Calendar No. 705

97th Congress } SENATE { Report
2d Session } { No. 97-493

NUCLEAR ARMS REDUCTIONS

July 12, 1982.—Ordered to be printed

Mr. Percy, from the Committee on Foreign Relations, submitted the following

REPORT

together with

MINORITY AND ADDITIONAL VIEWS

[To accompany S.J. Res. 212]

The Committee on Foreign Relations, having had under consideration an original joint resolution with respect to nuclear arms reductions, reports favorably thereon and recommends that the joint resolution do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to express the Congress's full support for the President's recent initiatives on the Strategic Arms Reductions Talks (START) and to formalize an interim policy on mutual SALT restraint that will contribute to stability and continuity while the United States pursues the far-reaching reductions in nuclear weapons it seeks in START. The resolution also recommends positive steps related to crisis stability, non-proliferation and nuclear testing and urges the President to take a position with respect to the ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty.

COMMITTEE ACTION

The following resolutions were referred to the Foreign Relations Committee and were considered and consolidated into an original joint resolution:

S. Res. 323—Concerning STOP Talks.

S. Res. 343—Expressing the sense of the Senate with respect to beginning strategic arms negotiations with the Soviet Union.

S383-8

S. Res. 370—Expressing the sense of the Senate with respect to a halt by the United States and the Soviet Union of further production and deployment of nuclear warheads while beginning strategic arms negotiations.

S.J. Res. 163—Nuclear Weapons Freeze and Reductions.

S.J. Res. 171—With respect to nuclear arms reductions.

S.J. Res. 177—To express the sense of the Congress that the United States and the Soviet Union should engage in substantial, equitable and verifiable reductions of their nuclear weapons in a manner which would contribute to peace and stability.

S.J. Res. 191—To achieve a nuclear freeze and reductions.

S. Con. Res. 81—To express the sense of the Congress that the President should promptly hold a summit meeting with leaders of the Soviet Union to reduce the risks of nucelar war and to seek control and reduction of nuclear weapons.

S. Con. Res. 99—Expressing congressional support for broadening the scope of the U.S. arms control process.

S. Res. 242—Regarding SALT II.

S. Res. 391—Expressing the sense of the Senate with respect to the policy of the United States Government during the period of negotiations for a START (Strategic Arms Reduction Talks) treaty.

S. Exec. Res. 5—Directing the Committee on Foreign Relations to report to the Senate the SALT II Treaty.

S. Exec. Res. 6—Concerning the consideration of the SALT II Treaty.

The Foreign Relations Committee held five days of hearings related to the consideration of the above resolutions, as follows:

April 29, 1982—Global-U.S. Strategy (Administration Witnesses).

April 30, 1982—Strategic Nuclear Balance (Public Witnesses).

May 11, 1982—Nuclear Arms Reduction Proposals—Administration and Congressional Witnesses (2 Sessions).

May 12, 1982—Nuclear Arms Reduction Proposals—Congressional and Public Witnesses (2 Sessions).

May 12, 1982—Nuclear Arms Reduction Proposals—Administration Witnesses (Executive Session—Top Secret).

May 13, 1982—Nuclear Arms Reduction Proposals—Public and Administration Witnesses (2 Sessions).

In addition to hearing Secretary of State Haig and Secretary of Defense Weinberger, the Committee received testimony from a number of other officials of the Executive Branch, eleven Senators and Congressmen who were sponsors of the principal arms reduction resolutions and proposals, and thirteen witnesses from the private sector, including two former Secretaries of Defense.

On June 9, 1982, the Committee met for the purpose of marking-up S. Res. 242, S. Res. 323, S. Res. 343, S. Res. 370, S. Res. 391, S. Con. Res. 81, S. Con. Res. 99, S. J. Res. 163, S. J. Res. 171, S. J. Res. 177, S.J. Res. 191, S. Exec. Res. 5, and S. Exec. Res. 6. During the mark-up, the following record votes were taken:

A Pell-Cranston amendment calling on the United States to pursue a mutual and verifiable freeze on the testing, production and further deployment of nuclear warheads, missiles, and other delivery systems was disapproved by a vote of 7–10. Those in favor of the amendment were Senators Pell, Biden, Glenn, Sarbanes, Tsongas, Cranston and Dodd. Those voting nay were Senators Percy, Baker, Helms, Hayakawa, Lugar, Mathias, Kassebaum, Boschwitz, Pressler and Zorinsky.

A Glenn amendment declaring that the United States and the Soviet Union should, as a first step in the START process, negotiate a formal agreement to refrain from actions which would undercut the SALT I and SALT II agreements was disapproved by a vote of 7–9. Ayes: Senators Pell, Biden, Glenn, Sarbanes, Tsongas, Cranston and Dodd. Nayes: Senators Percy, Baker, Helms, Hayakawa, Lugar Kassebaum, Boschwitz, Pressler and Zorinsky.

A Glenn amendment urging the President to provide the Congress with his recommendations with respect to the ratification of the SALT II Treaty was disapproved by a vote of 7–9. Ayes: Senators Pell, Biden Glenn, Sarbanes, Tsongas, Cranston and Dodd. Nayes: Senators Percy, Baker, Helms, Hayakawa, Lugar, Kassebaum, Boschwitz, Pressler and Zorinsky.

By a vote of 12–5, the Committee ordered favorably reported an original joint resolution to the Senate in lieu of the thirteen resolutions it had under consideration. Those voting in favor were Senators Percy, Baker, Helms, Hayakawa, Lugar, Mathias, Kassebaum, Boschwitz, Pressler, Pell, Zorinsky and Dodd. Voting against were Senators Biden, Glenn, Sarbanes, Tsongas and Cranston.

COMMITTEE COMMENTS

A. General overview

The Committee hearings and mark-up on the various nuclear arms reduction resolutions took place against the backdrop of an extraordinary public debate on issues related to nuclear war and arms control. The heightened American awareness of and mobilization against the horrors of nuclear war has been reflected in petitions, seminars, town meetings, public demonstrations, and state and municipal referenda. Although there is great diversity among the public organizations and individual citizens participating in this grassroots movement, one theme has been recurrent: an insistence that the United States and the Soviet Union move without delay to negotiate an agreement that would end the nuclear arms race.

In response to the public demand for prompt action on arms control, hundreds of Senators and Representatives joined in sponsoring or co-sponsoring one or another of the thirteen resolutions on arms control that were introduced during the spring of this year. On March 10, 1982, Senators Kennedy and Hatfield, joined by eighteen other Senators, introduced a joint resolution (S.J. Res. 163) which called upon the United States and the Soviet Union to decide when and how to achieve a mutual and verifiable nuclear freeze, followed by efforts to agree on progressive incremental reductions in each side's nuclear inventory. A companion resolution, co-sponsored by over 100 Congressmen, was introduced in the House.

Speaking that same day, Secretary Haig termed the Kennedy-Hatfield resolution "not only bad defense and security policy, (but) bad arms control policy as well." In a State Department press briefing on

March 11, Richard Burt, Director of the Politico-Military Affairs Bureau, cited four arguments against the freeze: (1) that it would freeze the United States into a position of military disadvantage and dangerous vulnerability; (2) that it was virtually unverifiable; (3) that it would remove Soviet incentives to negotiate substantial reductions; and (4) that it would concede the Soviets its present advantage in intermediate-range nuclear missiles in Europe.

In the weeks following the Administrations' rejection of the Kennedy-Hatfield freeze proposal, twelve other resolutions related to nuclear arms reductions were submitted in the Senate and referred to the Foreign Relations Committee. Several of these resoltuion sought to define the U.S. objectives in START. One such resolution, introduced by Senators Jackson and Warner, was co-sponsored by 59 other Senators and praised by President Reagan as "an important move in the right direction." The Jackson-Warner resolution (S.J. Res. 177) called on the President to propose a long-term, mutual and verifiable nuclear forces freeze at equal and sharply reduced levels of forces.

Other resolutions recommended associated arms control measures, including positive steps related to non-proliferation, crisis stability, nuclear testing and the scheduling of a Reagan/Brezhnev summit. A separate group of resolutions focused on the relationship of the SALT II Treaty to START. In general, resolution in this category recommended one of three possible approaches to keeping the SALT II limitations in place while START is conducted: formalizing U.S. policy with respect to continued de facto restraint, proceeding with formal ratification, or negotiating the terms of joint SALT adherence during an interim period.

B. Recent administration initiatives on START

During the course of the Committee's consideration of the thirteen arms reduction resolutions, the Administration moved forward with a number of positive initiatives on START. In a major speech on May 9 at Eureka College, Illinois, President Reagan announced that he had written President Brezhnev and proposed that the START negotiations be initiated at the earliest possible opportunity. The President outlined an ambitious, two-phase negotiating approach, with the initial priority effort to concentrate on achieving a one-third reduction in ballistic missile warheads, of which no more than one half could be land-based. In a subsequent phase, the United States would pursue equal, but significantly reduced, ceilings on other elements of strategic weaponry, including throwweight.

The President cautioned that the goal of reducing and reshaping each side's strategic forces to enhance stability would be neither quickly nor easily accomplished but pledged that the United States would negotiate seriously and carefully consider all proposals made by the Soviet Union. With reciprocal good faith shown by the Soviets, the President expressed confidence that the two sides could achieve an agreement "that reduces the number of nuclear weapons, halts the growth in strategic forces, and opens the way to even more far-reaching steps in the future."

In a Memorial Day address at Arlington National Cemetery, President Reagan announced that START would begin in Geneva on June 29, and that the United States would refrain from actions which would undercut existing SALT agreements so long as the Soviet

Union shows equal restraint. In a joint announcement released that day, the United States and the Soviet Union confirmed that the U.S. delegation would be led by Ambassador Edward Rowny and the Soviet delegation would be led by Ambassador V. P. Karpov.

C. Committee comments on the nuclear freeze proposal

By a vote of 7–10 the Committee rejected an amendment which would have recommended that the United States pursue a mutual and verifiable freeze on the testing, production and further deployment of nuclear warheads, missiles and other delivery systems at the same time it was pursuing the aforementioned U.S. objectives in the first phase of START. Some Committee members questioned the verifiability of a freeze. Others were concerned that it would let each side keep what they now have and would thus continue, and perhaps exacerbate, current U.S. strategic vulnerabiilties while removing Soviet incentives to negotiate substantial reduction in START.

A number of members were especially concerned that a nuclear freeze would undermine the Intermediate Nuclear Force negotiations in Geneva and, in effect, concede a marked Soviet superiority in land-based missiles of this range deployed in Europe. An additional concern was that a freeze would preclude the modernization of U.S. nuclear systems such as bombers and ballistic missiles submarines, but not restrict the development of more advanced Soviet non-nuclear capabilities, including air defenses and anti-submarine warfare systems.

While Members praised the freeze movement for catalyzing public debate throughout the United States on arms control, it was the opinion of the majority of the Committee that the joint resolution, as adopted, would commit the United States to pursue a better and more far-reaching goal, that of significant reductions.

D. Paragraph-by-Paragraph Analysis

Para. (1): Support of the President on START.—It is the view of the Committee that the President's efforts to achieve a START agreement providing for verifiable, equitable and militarily-significant reductions in strategic offensive arms deserve the full support of the Congress and the American people. The Committee welcomed the view expressed by the NATO foreign ministers in their May 18 communique that the U.S. proposal for significant reductions in the strategic armaments of the two countries represents "a far-reaching but realistic offer that would lead to a significant increase in strategic stability and thereby strengthen peace and international security."

Although the Committee recognizes that START will be complex and difficult, it believes that the negotiations warrant a determined and persistent effort. Moreover, the Committee is confident that should President Reagan succeed in achieving a treaty with the Soviet Union that attains the basic objectives outlined in his Eureka College speech, the Senate would act with dispatch to provide its favorable advice and consent.

Par (2): Initial focus on the most destablizing systems.—The Committee agreed to support and endorse the President's plan to place the first priority in START on reaching agreement on significant reductions in the most destabilizing types of strategic weaponry, that is, highly accurate and MIRVed strategic ballistic missiles. The Committee believes that these reductions should, among other limitations, provide initially for equal ceilings, at sharply reduced levels, on the aggregate number of deployed ICBMs and SLBMs and the aggregate number of warheads deployed on these systems, an objective which parallels the goals outlined by the President in his Eureka speech. The Committee accepted an amendment proposed by Senator Pell that there should also be agreement providing subsequently for further significant, balanced and verifiable reductions of nuclear weaponry in a manner which enhances stability and deterrence.

It is not the Committee's intent to imply that an initial agreement of this nature must be limited to these most destabilizing systems. The Soviet Union will obviously have its own agenda for the negotiations, and the President has said that he will consider all Soviet counteroffers. The Committee supports the decision of the Administration that additional reductions, including, possibly, limitations on missile throwweight, are best reserved for a follow-on phase on START.

The Committee recommends that once agreement is obtainable in START's first-phase, it should be promptly concluded and submitted, in the form of a Treaty, to the Senate for its advice and consent. This approach was outlined by Secretary Haig on May 11 when he testified that,

> Our hope would be that if we could conclude or achieve the substantial reductions required in Phase I and we could move right ahead and conclude such an agreement, that would provide a very construction base to get into the even more substantial reductions visualized in Phase II.

Para. (3): Establishment of an interim restraint regime.—The purpose of paragraph 3 of the Resolution is to formalize the announced policy of the Reagan Administration on interim Salt restraint, and in doing so make clear to the Soviet Union that the United States government is unified in its determination to exercise restraint so long as the Soviet government behaves in a comparable way. It is the intention of the Committee thereby to strengthen the position of the President in the START negotiations. President Reagan articulated this policy in his Memorial Day speech at Arlington National Cemetery, declaring:

> As for existing SALT agreements, we will refrain from actions which undercut them as long as the Soviet Union shows equal restraint.

This Presidential announcement confirmed at the highest level the policy that had been articulated on several previous occasions by Secretary of State Haig. For example, on May 11, 1982, the Secretary testified, "We do not intend, as long as the Soviet Union does not, to undercut the restraints that were visualized in SALT II. That has been and remains our position." During a hearing on November 4, 1981, Secretary Haig noted that Secretary Weinberger had testified on the previous day that he did not foresee a military requirement to depart from this policy and declared that "clearly the arms control and geopolitical aspects of the question favor that we continue to maintain this policy."

In November, General David Jones, Chairman of the Joint Chiefs of Staff, advised the Committee that in the absence of a mutual SALT restraint policy, "uncertainties would grow as to the total number of [Soviet] weapons systems, the production rates, and so on. There would be a number of factors involved in our future planning if there were no constraints at all. So we [the Joint Chiefs] support the Administration's position that we do nothing to undercut SALT as long as the Soviets do not do anything inconsistent."

On November 3, 1981, Secretary Weinberger testified before the Committee that there are no near-term conflicts between the President's five-part strategic modernization program and this interim restraint policy. In contrast, such interim restraints are tangibly and immediately constraining on the Soviet Union. For example, as long as the Soviets observe a policy of not undercutting SALT II, they are precluded from increasing the number of reentry vehicles deployed on specific missile types above the levels specified in the treaty, an option with adverse strategic consequences for the United States which they could otherwise readily pursue.

The Committee is aware that some commentators have questioned whether the so-called "Dense Pack" MX basing option would contravene the President's interim restraint policy. However, the "Dense Pack" concept is at a very preliminary stage of study and has not been approved by the Defense Department, the President or the Congress. Until the exact configuration of a possible "Dense Pack" basing mode is decided, the Committee cannot address the question of whether its deployment would undercut existing SALT agreements if, at the time of such deployment, this interim restraint regime were still in effect. In this regard, it should be emphasized that if the United States were at some point to decide to proceed with the development and deployment of "Dense Pack," the system could not be operational before 1986–87, which is beyond the specified expiration date of the SALT II Treaty and, therefore, beyond the period during which the restrictions contained in this Resolution would be legally binding. (See the discussion of duration below.)

The Committee does not intend by this Resolution to preclude later decisions by the Congress to authorize or appropriate funds for the development, procurement or deployment of "Dense Pack" or any other weapons system. Such decisions must, of course, be taken on the basis of a full evaluation of all aspects of a proposal, including, pursuant to Section 36 of the Arms Control and Disarmament Act, its impact on arms control policy and negotiations.

The Committee understands the Reagan Administration's formulation of not "undercutting" the SALT agreements as applying to actions which would contravene the agreements in a substantial and irreversible manner. While this standard would obviously not apply to every provision of the agreements, it would clearly cover a range of actions, such as the testing of existing ICBM's or SLBM's with numbers of warheads in excess of those permitted under the SALT II provisions or by the testing of more than the one new type of ICBM missile permitted. It would not, however, include the restrictions contained in the Protocol to the SALT II Treaty since the agreed term of that document has already expired.

Beyond these general assumptions, the Committee has not attempted to define or elaborate in detail all the hypothetical acts by either side which could arguably undercut the SALT agreements. The Committee believes that the President should have considerable flexibility and discretion in making such judgments, relying upon the best evidence of the intelligence community and the advice of his Administration, and including consultations with this Committee and other appropriate committees of Congress. The President can and should take all relevant circumstances into account, including the degree of restraint demonstrated by the Soviet Union in its force deployments and the strategic force requirements of the United States. It is the intention of the Committee that the Resolution should not give rise to any private standing or cause of action to challenge the actions of the Executive Branch in the courts.

With respect to the SALT I Interim Agreement, the Committee notes that the Reagan Administration has already announced its intention to continue to take the steps necessary to remain within the limitations of that agreement. On May 11, Secretary Haig pledged that the United States would dismantle the SLBM launchers on a third Polaris-class submarine to remain within the Interim Agreement cailing on aggregate SLBM launchers which otherwise would be exceeded with the commencement of sea trials by the *Michigan*, the second Trident-class submarine. The Committee would expect that the United States would, under this interim restraint policy, continue to respect the SALT I ceilings on total SLBM and fixed, land-based ICBM launchers, provided the Soviet Union continues to do the same.

The Committee also believes, as stated in an amendment to the Resolution proposed by Senator Mathias, that questions or concerns which may arise regarding specific Soviet actions which could be construed by the United States as undercutting the SALT agreements should continue to be raised in accordance with the procedures generally employed for that purpose under this and previous administrations. In particular, the United States should make every possible use of the opportunities afforded by the Standing Consultative Commission (SCC) to discuss issues presented by the interim restraint regime. The Committee believes that the availability and use of the SCC has been a significant factor in the continued maintenance of SALT I restraints during the five years since the expiration of the Interim Agreement. As the Resolution states, additional diplomatic channels should be employed if the SCC is not available or appropriate for this purpose. The Committee would expect to have close consultations with the Administration on such matters.

The Committee did not consider it appropriate in the Resolution itself to prescribe an absolute limit to the duration of the interim restraint regime. Since the purpose of such an approach is to maintain some stability of expectations in the interim period while a START treaty is being concluded, its duration will undoubtedly depend on the length of time required to negotiate such an agreement. However, it is not the intention of the Committee that the binding effect of this Resolution should necessarily extend beyond the originally agreed upon termination date of the SALT II Treaty itself, December 31, 1985, or beyond the point at which these interim restraintss are replaced by START limitations, whichever occurs first. Continuing a policy of restraint vis-a-vis SALT II may be deemed to be in the U.S. national interest after December, 1985, especially if the START negotiations are still in progress. In this case, the Congress and the President might elect to formally renew or extend this provision of law. In any event, the maintenance of this regime should be a matter for continuing review by both the Executive and Congressional branches in light of the overall national security interests in the United States.

With respect to the unratified SALT II Treaty, the Committee notes that President Reagan's formulation of not "undercutting" existing SALT agreements is generally consistent with the applicable standard for a treaty signatory under international law. The Vienna Convention on the Law of Treaties, which is the generally-accepted source of international standards on such matters, speaks of the need for treaty parties to refrain from "acts which would defeat the object and purpose" of an agreement after it is signed and until final action is taken on ratification. Although President Reagan has made clear that he has no intention of seeking ratification of the SALT II Treaty, the agreement is formally still pending before the Committee.

With respect to the SALT I agreements, the President's formulation as applied to the SALT I Interim Agreement is also generally consistent with previous statements on reciprocal restraint made by both the United States and the Soviet Union. Although the Agreement itself expired on October 3, 1977, both countries made clear their intention to take no actions inconsistent with its provisions provided that similar restraint was exercised by the other country. However, the other principal agreement concluded as a result of the SALT I negotiations, the Anti-Ballistic Missile (ABM) Treaty of 1972 (along with its 1974 Protocol), is a treaty of unlimited duration which remains in full force and effect. In accordance with Article XIV of that agreement, the United States is currently conducting a detailed analysis of the treaty. Unless the United States concludes at some future time that the treaty no longer serves the interests of the United States and takes the necessary steps to revise or withdraw from it, the United States and the Soviet Union are both bound to abide by its terms in all respects, not simply to refrain from actions which might undercut the treaty.

It may be that additional steps can and should be taken to strengthen the interim restraint regime contemplated by this Resolution. The Committee believes, for example, that mutual confidence would be considerably enhanced by an authoritative Soviet declaration paralleling President Reagan's Memorial Day pledge, and recommends that the President encourage the Soviets to issue such a statement. It may be possible for the President to conclude a formal agreement with the Soviet Union not to undercut existing SALT agreements. However, it was the view of the Committee that this option should be left to the judgment of the President. If the President should find it possible to conclude a limited, interm agreement which simply incorporates his formulation, it is the intention of the Committee that this Resolution should provide the affirmative legislative authority contemplated in Section 33 of the Arms Control and Disarmament Act.[1] In this regard, enactment of this joint resolution increases the President's options in dealing with the Soviet Union.

---

[1] Section 33 of that act (22 U.S.C. 2573) provides in part that "no action shall be taken under this or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty-making power of the President under the Constitutioon or unless authorized by further affirmative legislation by the Congress of the United States."

In summary, the language of paragraph 3 of this Resolution is fully consistent with the national security interests of the United States and the strategic modernization objectives of the Reagan Administration. Furthermore, it preserves the necessary flexibility and discretion of the President of the United States during critical arms control negotiations with the Soviet Union. At the same time, the Committee regards the enactment of this interim restraint policy into law as a significant step in the effort to stabilize the nuclear balance during the period until a new START Treaty can be negotiated.

By setting forth the President's statement in a joint resolution, to be considered by both Houses of Congress and signed by the President, the Committee intends that it will have the full force and effect of law. The Committee expects that the President will take all necessary steps to ensure that the law is observed and adhered to fully by the Departments of State and Defense and all other relevant departments and agencies. The Committee and the Congress should give rise to any private standing or cause of action to challenge the actions of the Executive branch in the courts, the Committee and the Congress as a whole can be expected to exercise full oversight responsibilities to ensure compliance with the letter and spirit of the Resolution. The Committee expects that all members of the Executive Branch will, in good faith, adhere to the provisions of the Resolution and will take the initiative to inform the Committee and other appropriate committees and members of Congress before taking any decision or action which might jeopardize this commitment.

Para. (4): Recommendations on broadening the scope of arms control.—The Committee's intent in including this paragraph in the joint resolution was to emphasize that whatever level of strategic weaponry is maintained by the United States and the Soviet Union, the two sides have a crucial stake in pursuing every effort to promote crisis stability, prevent the further proliferation of nuclear weapons states, and create additional barriers to the acquisition or use of nuclear devices by terrorists.

Sub-paragraphs (a) and (b) were adapted from language in the Jackson-Warner resolution and draw upon a number of specific confidence-building proposals advanced in recent weeks by Senators Jackson, Warner, Nunn, Cranston, and Hart. The Committee agreed to preamble language suggested by Senator Pell which stresses the contribution that such proposals can make in maintaining arms restraint and crisis stability. These proposals include:

(1) Establishment of a multi-national military crisis control center for monitoring and containing nuclear weapons used by third parties or terrorist groups;

(2) Development of a forum for joint U.S./U.S.S.R. sharing of information related to the possible use of nuclear weapons by third parties of terrorist groups; and

(3) Development of U.S./U.S.S.R. confidence-building measures for crisis stability and arms control to include:

a. An improved U.S./U.S.S.R. communications hotline for crisis control;

b. Enhanced verification procedures for any arms control agreements;

c. Measures to reduce vulnerability of command, control and communications on both sides; and

d. Measures to lengthen the warning time each nation would have of potential nuclear attack.

Although the joint resolution does not specify which of these suggestions should be proposed to the Soviet Union, the Committee believes that all appear promising and warrant the close consideration of the Administration. In this regard, the Committee commends the President for his announcement on June 11 in West Berlin that the United States will propose a package of confidence-building measures in START, including an upgrading of the "hot-line" and a more comprehensive exchange of information related to missile testing.

The Committee also encourages the Administration to cooperate more closely with the Soviet Union and other nations on common nonproliferation interests, including the establishment of additional measures by nuclear supplier nations.

The Committee considered an amendment introduced by Senator Glenn which recommended that the United States propose to the Soviet Union and other nations practical measures to involve the other nuclear weapons states in the arms control process at the earliest appropriate time. In accepting the amendment, the Chairman proposed, and Senator Glenn concurred, that the word "earliest" be deleted to avoid any possible misinterpretation concerning past Soviet claims on the so-called "compensation" issue. In adopting this language, the Committee rejects the Soviet position in the Geneva Intermediate Nuclear Forces negotiations (or a future Soviet position in START) that they are entitled to compensation due to the Allied strategic forces.

Para. (5): Review of the TTBT and PNE treaties.—This paragraph of the joint resolution urges the President to decide promptly whether the Senate should proceed with ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosion Treaty, which have been pending for over five years. Despite repeated efforts over the past year and a half, the Committee has been unable to persuade the Administration to take a position with respect to the ratification of these treaties.

In June, 1981, ACDA Director Rostow declared that he favored ratification and pledged to press the Administration for a rapid review of several issues related to the treaties. However, on May 13, 1982, Dr. Rostow testified that although he had "been altogether faithful" to his pledge, his efforts to gain a decision had "run into a profound stone wall" from some officials in the Administration who wished to retain the option of conducting high yield weapons tests.

The weight of the testimony received during the Committee's hearings on the arms reduction resolutions, including that of former Defense Secretaries Schlesinger and Brown, indicated that ratification of the two treaties would be in the national security interest of the United States, a recommendation which has also recently been communicated to the Committee by former Presidents Ford and Nixon.

In view of these developments, four members of the Committee, Senators Percy, Pell, Pressler and Cranston (the Chairman and Ranking Member of the Committee and the Chairman and Ranking Member of the Arms Control Subcommittee), wrote to the President on May 27, 1982 urging his support of the two agreements. In this joint resolution, however, the Committee is not taking a position with respect to ratification, but rather urges that the Administration conclude its review of these treaties and promptly report its recommendation thereto.

During the mark-up, the Committee defeated by a vote of 7–9 an amendment offered by Senator Glenn that would have included the SALT II Treaty among the pending treaties cited in this paragraph which the Committee was asking the President to review with respect to ratification. In the opinion of the Committee, the President's views on the question of ratifying SALT II were fully known and had been restated in recent weeks in speeches and press conferences. In a letter dated May 5, 1982, signed jointly by Secretary Haig and Acting Secretary of Defense Carlucci, the Administration advised the Senate that "the SALT II Treaty is not in the national security interest of the United States and should not be ratified." During the mark-up, a State Department official confirmed that this letter still accurately reflected the position of the Administration on this question.

Nonetheless, in response to a request by Senator Glenn, the Chairman stated that the Committee would ask the President to provide the Committee with a letter explaining in detail why he believes that ratification of the Treaty should not be pursued. This request has been transmitted to the Executive Branch.

Para. (6): Elimination of all nuclear weapons.—Section 2 of the 1951 Arms Control and Disarmanent Act, as amended, declares that "an ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments." In creating the Arms Control and Disarmament Agency (ACDA), the act directs ACDA to "deal with the problem of reduction and control of armaments looking toward ultimate world disarmament."

Paragraph (6) of the joint resolution, which is adapted from a similar paragraph in the Jackson/Warner resolution (S.J. Res. 177), reaffirms this ultimate goal of U.S. arms control policy. Its inclusion in the joint resolution is intended to express the Committee's commitment to a dynamic and continuing arms reduction process, one which carries beyond the initial efforts to bring the arms race under some control and leads eventually to the elimination of all nuclear weapons in the world.

This paragraph also underscores the crucial linkage between the U.S. commitment to continuing nuclear arms reductions and our efforts to prevent the further proliferation of nuclear weapons states. Only if the rest of the world is convinced that the United States and the Soviet Union are dedicated to reducing, and eventually eliminating their inventories of nuclear weapons will non-nuclear states forgo acquiring similar capabilities.

COST ESTIMATE

In accordance with Rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the Committee finds that there will be no budgetary impact from the passage of this Resolution. The following estimate was provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., June 17, 1982.

Hon. CHARLES H. PERCY,
Chairman, Foreign Relations Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed the Senate Joint Resolution with respect to nuclear arms reductions, as ordered reported by the Senate Committee on Foreign Relations, June 9, 1982.

Based on this review, it is expected that no additional cost to the government would be incurred as a result of enactment of this legislation.

Sincerely,

ALICE M. RIVLIN, *Director.*

REGULATORY IMPACT AND CHANGES IN EXISTING LAW

In accordance with Rule XXVI, paragraphs 11(b) and 12 of the Standing Rules of the Senate, the Committee concludes that there will be no regulatory impact from the passage of this joint resolution. There will also be no repeal or amendment of existing law.

MINORITY VIEWS OF MESSRS. BIDEN, GLENN, SARBANES, TSONGAS AND CRANSTON

INTRODUCTION

There is no more fundamental challenge facing the United States than the control of nuclear arms. We must find ways to stop the arms race and to reduce significantly the numbers of nuclear weapons possessed by the United States and our potential adversaries. We must reduce our dependence upon those nuclear weapons if we are to reduce the possibility of nuclear war and create a more stable and safe world for the next generation.

The Reagan Administration's pursuit of new strategic programs has been at the expense of serious attention to arms control—something which not only concerns us deeply, but millions of Americans as well. The burgeoning nuclear freeze movement gives evidence that Americans are apprehensive for their future and believe the arms race must be addressed now.

We welcomed the bipartisan consensus at the time the Administration came to office that both improvements on our conventional defense and effective arms control were necessary in order to guarantee our national security. However, the Reagan Administration's combination of ill-conceived and unguided defense buildup, inaction on arms control, and inflammatory public pronouncements has dismayed the American public and America's allies alike. As a result, the defense consensus has virtually evaporated.

The nuclear freeze movement has served to push the Administration into finally setting a schedule for Strategic Arms Reductions Talks (START) sixteen months after coming to office. Similarly, last November, expressed nervousness among the European public and allied governments and the resultant threat to the plan of the previous Administration to deploy 572 Pershing II and Ground-Launched Cruise Missiles (GLCM's) belatedly led the Administration to propose resumption of the Intermediate Range Nuclear Forces (INF) Negotiations. The Administration intends to seek in INF elimination of all Soviet intermediate range nuclear missiles in return for a U.S. pledge not to deploy its nuclear-tipped Pershing II's and GLCM's.

We do not quarrel with the objectives of either the INF negotiations or the START negotiations. There is no question, however, that these negotiations will be long and difficult. Both negotiations would require much greater restructuring on the part of the Soviets than on our part. Under the terms of START the Soviet Union would be required basically to restructure their forces to parallel more closely our own strategic triad. Such an agreement will be tough to negotiate. Accordingly, we are convinced of the necessity of having some sort of restraint during the period of negotiation.

After careful evaluation of the testimony, we have concluded that the Committee should propose a restraint regime incorporating three basic principles:

First, Congress should recognize the value of a bilateral, mutual and verifiable freeze on the testing, production and deployment of nuclear warheads, missiles and other delivery systems. This would prevent developments which might frustrate any attempt to achieve substantial reductions and bring the arms race under control.

Second, Congress should take a strong position that, as a minimum, the provisions of the Strategic Arms Limitation Talks (SALT) II should be followed by both sides as closely as possible. We may not wish to initiate a new SALT ratification effort, but we do want to ensure the tightest possible application of the restraints to which the Soviet Union has agreed.

Third, the Administration must be prepared to carry out its belated commitment to substantial reductions.

COMMITTEE EFFORT

The Chairman of the Committee on Foreign Relations, Senator Percy, made a commendable effort to draft a resolution on strategic arms limitation and reductions which would merit strong bipartisan support within the Committee. Certain elements within the resolution as reported are good positive measures, but the absence of Committee endorsement of a mutual and verifiable freeze troubles us.

In particular, we concur with the Committee's measures on reductions. Section (2) of the resolution calls for agreement in START which would provide initially for sharply reduced and equal levels on the aggregate number of Intercontinental Ballistic Missile (ICBM) and Submarine Launched Ballistic Missile (SLBM) forces and the aggregate number of warheads on those missiles. The agreement would also provide, subsequently, for further significant and balanced reductions for nuclear weaponry in a manner which enhances stability and deterrence. We think that this bipartisan compromise is good, since it denotes Congressional support for the President's approach to reductions but ensures that the process of the reductions will be dynamic and continuous. Our goal should be for eventual elimination of nuclear weaponry from the arsenals of the two sides.

Other aspects of the resolution are similarly positive. They include the important support of practical confidence-building measures: (a) to reduce the dangers of nuclear war through accident or miscalculations; (b) to prevent the use of nuclear weapons by third parties, including terrorists; (c) to cooperate more closely to halt nuclear proliferation, including the establishment of additional measures by supplier nations, and, (d) the involvement of all nuclear weapon states in the arms control process at the appropriate time. In addition, the resolution urges the President to complete the review of the pending Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosions Treaty (PNET), and promptly report his recommendations to Congress.

Although those provisions are useful and will have our support, the resolution inadequately addresses two fundamentally important issues: (1) the nuclear freeze, and (2) how to ensure the continuation of SALT restraints. As a result, the resolution has the right spirit, but gives the President far too little guidance on central issues. Given these serious shortcomings, we believe it is incumbent on the Senate either to make the necessary improvements, so that the resolution becomes a strong expression of sound advice, or to abandon the effort as an exercise in futility.

NUCLEAR FREEZE

Senators Pell and Cranston offered an amendment stating that, to prevent a new round of the arms race while the START negotiations proceed, "the U.S. should pursue a mutual and verifiable freeze on the testing, production and further deployment of nuclear warheads, missiles and other delivery systems." This language is based upon that in S. J. Res. 163 on the nuclear weapons freeze, introduced by Senators Kennedy and Hatfield and cosponsored by 27 Senators, and a similar resolution cosponsored by 175 members in the House of Representatives.

The Pell/Cranston amendment was proposed in the context of Committee support for restraint in SALT and, as set forth in an amendment by Senator Pell, for agreement in START upon "significant, balanced, and verifiable reductions of nuclear weaponry in a manner which enhances stability and deterrence." These further reductions would follow initial steps to achieve sharply reduced and equal levels on the aggregate number of ICBM's, SLBM's and warheads for those systems.

We strongly support the freeze as a simple, direct and effective way to put a cap on the arms race and to facilitate future arms control negotiations. As Senator Hatfield, a sponsor of the Kennedy-Hatfield resolution on the nuclear freeze told the Committee, "I feel that basically what we have proposed is analogous to one in an elevator. If you are going up in an elevator, and you decide you want to return to the ground level, one is required to stop the elevator before you can reverse its direction. That analogy has been, of course, used in terms of calling this whole idea simplistic. It is simple, but not simplistic."

As introduced by Senators Pell and Cranston in Committee, the freeze amendment called for a freeze which would be negotiated with the Soviet Union to cover controls which could be verified. Its possible coverage would be very broad. It could include, for instance, bans on the testing of nuclear weapons, and the flight testing of nuclear missiles, freezes on production of new ICBM's, SLBM's, intermediate range nuclear missiles and cruise missiles. There could, of course, be a halt on deployments of those and other weapons. The specific controls to be applied would be worked out in negotiations.

The freeze should seek mutual U.S.-U.S.S.R. goals and should not be established in a manner which promotes Soviet advantages. For instance, we would not apply a freeze to Europe alone, as the Soviets have proposed, but rather a worldwide freeze. Thus regional imbalances or imbalances perceived by focusing on specific weapons systems would lose their significance.

The freeze clearly would be coordinated with our allies. We would want to take no steps which they would perceive as jeopardizing their security.

It is fundamentally important that the specific provisions of the freeze would have to be sufficiently verifiable to ensure that there would be no jeopardy to our security or that of our allies.

Arguing against the freeze, Secretary Haig said:

> The need to maintain the Soviet incentive to negotiate reductions in destabilizing options would also be undercut by endorsement of many of the nuclear freeze proposals now before us. Most proposals would freeze the existing instabilities and perpetuate existing Soviet advantages. They would eliminate the incentives for the Soviets to negotiate toward the even lower levels of nuclear weapons that we can achieve. We want to go beyond a freeze. We want to do better. We believe we can achieve real reductions and thus, lessen the risk of war.

The Secretary's argument would be more compelling if agreement in START did not appear likely to take considerable time. We are deeply concerned about what will happen during that time. The Secretary himself reinforced our concerns with his comment to the Committee:

> Ironically, the strategic arms competition so troubling to us all reached new heights during the very period when the SALT negotiations seemed so promising.

If the Administration has its way, and history repeats itself, in the absence of strong freeze and SALT constraints, we may well find ourselves in the midst of a strategic arms competition which precludes meaningful agreement on reductions, even if the Administration remains true to its commitment to START.

Beyond the Secretary's concerns, others have questioned the verifiability of a freeze, its possible effect upon the INF talks, and the possibility that modernization of nuclear forces would be prevented, but not non-nuclear counters to nuclear systems.

These are the central questions raised and pertinent testimony and assessments regarding each question. We find the responses to the expressed concern to be compelling.

1. Would the freeze preserve instabilities and perpetuate Soviet advantages?

Retired Admiral Noel Gayler, former CINCPAC and former Director of the National Security Agency, told the Committee:

> So far as a freeze on nuclear weapons is concerned, their development, testing and so forth, I think that can be useful. I do not think it puts us in a relatively poorer position with respect to the Soviets. If you consider the total of the nuclear forces on both sides, I think we are pretty evenly matched.

He was asked by Senator Warner how he could take the position of alleged inferiority. Admiral Gayler, who has had extensive experience in nuclear weapons targeting, responded:

> Well, I take it on two grounds, Senator Warner. One is that while they are superior in megatonnage, we are superior in the numbers of weapons; and that is significant in that if

> you talk in terms of destructive capability against usable targets, there is a tradeoff there. We have got more of some; they have got more of the other.

Their dialogue continued:

Senator Warner:

> But if we had parity at that time, rough parity, and you have got this enormous addition to their arsenal, I cannot understand how you would have parity now and we would not be frozen into inferiority.

Admiral Gayler:

> Well, we have made enormous additions to ours, too. Roughly we have got about twice the number of weapons that we had in the days when I was taking part in the targeting, so we have not been sitting still either.
>
> And, in addition, we have invented and have had a considerable time lead in some of the potent weapons like the high accuracy MIRV missiles; and if we keep on, we will be having high accuracy MIRV missiles fired from submarines, for example.
>
> So we have had a technological edge, and in my judgment we have a rough parity trading numbers against megatonnage. But a more important point to me, sir, is that the levels we are talking about are just enormously disproportionate to the target system. Even back then—I think enough time has gone so that I can say this—even back then the targeting problem was never how to adequately attack targets; it was to find enough targets for the weapons we had, and we have got about twice as many now.

Former Director of Central Intelligence William Colby told the Committee that a freeze is "very desirable." He said:

> The problem with the President's recommendation with respect to reductions is that it leaves us open to develop new kinds of weapons within the kinds of totals that he develops. Our experience with that kind of a situation has been a steady growth of the danger of these weapons.
>
> In SALT I, we omitted MIRV's, and thought we were ahead, and did not want to limit those. As a result, in the ensuing years, the Soviets developed the MIRV's which have presented the major destabilizing dangerous situation that we have today. If we compare a different treaty, the anti-ballistic missile treaty, simultaneously enacted in 1972, or ratified in 1972, there has been research on this subject, but neither of us have gone ahead to put these new systems in, in either of our countries, and I think a freeze could allow us to continue the experimentation if necessary, but it could prevent us from being faced with some whole new weapons system which would be just as or more dangerous than the ones we have today.

2. Would a freeze undercut the Soviet incentive to negotiate?

Former Defense Secretary James Schlesinger told the Committee:

> The historic problems with the freeze have been that it limits our negotiating posture. I do not think that in this case that historic objection to a freeze is valid. In the first place, as I indicated in my statement, I believe that if both sides were to freeze in that area in which we were concerned, the Soviets would wind up with a lesser advantage if that freeze were applicable to Soviet forces.

Senator Kennedy told the Committee,

> Opponents of a freeze claim that the Soviets would have no incentive to reduce their arsenals after a freeze * * * The arms race has been needlessly and heedlessly perpetuated by this bargaining chip theory, because both sides inevitably feel forced to match new and threatening developments with their own. A decade ago, MIRV's were defended as a bargaining chip during the SALT I talks. The United States continued to deploy them, and then we were told that they were too important to bargain away.

The former Director of ACDA and chief SALT negotiator, Paul Warnke, urged both a qualitative and quantitative freeze and the consolidation of restraints achieved earlier. He noted that,

> Security concerns on both sides make it impossible to get where we want to go in one step. It is impossible because of the fact that both sides are dealing with matters that are integral to their national survival. So as I say, we cannot forfeit the progress that predecessors have won through painful and painstaking negotiations.

We concur that the step-by-step approach is best. Done that way, we will have every opportunity to see whether the Soviets are negotiating seriously and in good faith—as three previous Administrations found was the case in SALT I, Vladivostok, and SALT II.

3. Would a freeze undercut INF?

A freeze would only undercut INF if we allowed it to do so. If we acted in good faith, with full consideration of the views of our allies, to achieve a world-wide freeze, then INF would not be undercut. It must be understood that the freeze is intended as a basis for achieving reductions. We should not think for a minute that our efforts to reduce the risks of nuclear war in Europe or on a global scale would stop with a freeze alone.

Former Secretary Schlesinger told the Committee, April 30, 1982, that valuable time has been lost. He said:

> And more important than the time that we shall have to make up, we have lost the political initiative. The reactions in Europe amongst our allies, the reactions as reflected in yesterday's poll in the Washington Post of our own public, suggests that we are losing the war with regard to putting forward the best that is in the American position, which should be a steady readiness to negotiate arms control agreements.

4. What about verifiability?

Mr. Colby told the Committee that monitoring Soviet forces and weaponry will be easier for us with a negotiated arrangement such as a freeze than it is at present. If a freeze requires additional assurances, he said, they can be negotiated and additional monitoring arrangements can be made to provide them. Mr. Colby pointed out that the Soviets have dropped their opposition to necessary procedures when shown the need for them.

Mr. Colby noted:

> The purpose of verification is not the accumulation of legal evidence for a court of law. It is to protect our nation against Soviet forces and weaponry. If we protect our nation against the threat of another generation of Soviet nuclear weapons through a freeze, we would be substantially ahead, even if the Soviets were to successfully cheat in a minute and marginal program. Any program which offered the prospect of strategic advantage to the Soviets by definition would have to be of a size and consequent visibility that we could identify it long before it become a direct threat, and take defensive action against it. We could also in the interim raise it through the channels of an agreed procedure for reassurance or for change in Soviet behavior.

We find this to be a reassuring and compelling case. Our ultimate safeguard is that those things that could not be verified would not be covered. We are convinced that verification under a freeze is workable. So far, the Administration has not been willing to think seriously about how verification under a freeze would work to give the United States valuable reassurances on the activities of the Soviets.

Finally, some critics challenge a nuclear freeze on verification grounds. We agree that the means to verify a freeze must be clear and acceptable before the United States enters into an agreement. This is something that we want the Administration to give priority attention to both before and during negotiations with the Soviets. In this regard, we note that although the Administration insists that a START agreement must be verifiable, it has not yet worked out just how its own proposal would be verified. Yet, curiously, many of those who have criticized the freeze proposal on verification grounds have endorsed the Administration's START proposal without raising any questions about its verifiability.

Moreover, if the reductions contemplated in the Administration's START proposal are achieved, ceilings on the reduced weapons would have to be established so that the reductions agreed upon could not be reversed. Verifying that such eventual ceilings are observed is little different from verifying a freeze. We are, therefore, confident that if the Administration would expand the scope of its work on verification, it could develop the necessary techniques to assure that a freeze is being observed. In any event, we would insist that only those elements of a freeze that could be sufficiently verified should be agreed to.

5. Would a freeze prevent modernization, but allow countermeasures?

First, it must be understood that the freeze would limit Soviet modernization, as well as ours. It would thus help ensure that our own countermeasures remain effective. It would make our own technological edge on countermeasures even more meaningful. Moreover, there should be no hindrance to major activities to improve the invulnerbility of our forces to Soviet threats. Black boxes in aircraft and quietness of machinery in submarines could be constantly updated.

Any genuine threat that updating of opposing conventional Soviet forces might pose to us might also be a problem for them. When advisable, collateral constraints to limit threats should be agreed upon.

The extraordinary development of the freeze movement has occurred without leadership from Washington. It has become one of the largest grass-roots movements in our modern history.

Yet the Administration so far has remained adamantly opposed to the freeze proposal. The Administration has in fact tried to defuse the freeze movement by setting an early schedule for talks on arms reductions, but has refused to give any serious consideration to the concept of a freeze as a logical interim step to halt the arms race while those negotiations proceed.

The freeze has gained considerable support in Congress, and we urge Congress now to take the initiative in calling for pursuit of a mutual and verifiable freeze. The continuing growth and effectiveness of the freeze movement and the widespread and thoughtful discussion which has characterized to freeze movement reflect the strong concern of the people of this country. We would be well advised to give our most careful consideration to the concerns which spurred this responsible and informed movement.

STRATEGIC ARMS LIMITATION PROVISIONS

On May 30, 1982, after sixteen months of mixed signals by the Administration, the President finally issued a statement which declared: "As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint." The President did not elaborate at that time as to which actions might undercut SALT I and SALT II, nor has any other Administration official on the public record.

A State Department representative, Christopher Lehman, told the Committee during markup, when asked why the Administration could not support a Glenn amendment that the two sides should agree to refrain from actions which would undercut SALT:

> "One of the difficulties of the proposal that you have raised is that is would get us back into deep negotiations with the Soviets on what items of SALT II are acceptable and what items are not. SALT II contained items that the United States should not accept as an enduring agreement of any kind. For the past year we have been observing this interim restraint regime, and it has been working.

Just prior to that statement, Mr. Lehman pointed out the practice under international law "that nations not take actions which are grossly inconsistent with or undercut a treaty." His equation of "undercut" with "grossly inconsistent with" should give Senators pause if they think they know what the President means by not undercutting. It also might concern the Soviets that such a vague and ill-defined policy is not to be discussed. It seems to us that acceptance of such a policy as the definitive word is to toy capriciously and irresponsibly with the nation's strategic future.

It is important to remember that we have depended on SALT I and SALT II to ensure restraint by the Soviet Union in some key areas. As examples, under SALT, the Soviets have accepted the following reductions, among others:

No deployment of the SS–16 mobile missile nor upgrade of SS–20 to the SS–16, nor production of the third stage of the SS–16 for possible conversion of SS–20's.

No increases in ICBM and SLBM warheads above specified limits.

No increases in the Backfire production rate.

Continued retirement of older SLBM's and submarines when replacements are built.

No additional fixed, land-based ICBM's except in existing silos, with replaced missiles to be dismantled.

Strict limits on the characteristics of new ICBM's with rules governing characteristics of one permitted new type.

No testing and deployment of rapid reload/refine capability for ICBM launchers.

No more "heavy" ICBM launchers.

No interference with national technical means of verification.

No deliberate concealment measures which impede verification.

No deliberate denial of telementry information, including encrypted telemetry, when such denial impedes verification.

In addition, it should be noted, the Soviets would have to retire 250–300 deployed systems. At most, we would have to smash several dozen wingless, engineless B–52 hulks now sitting in the desert.

Some actions that the Soviets could easily take before SALT II would expire on December 31, 1985, would include:

Flight testing of more than one new type of ICBM.

Deployment of the SS–18 with more than the SALT limit of ten warheads.

Deployment of more than 820 (Multiple Independently-Targetable Reentry Vehicle) MIRVed ICBM's or more than 1,200 MIRVed ballistic missiles.

Deployment of the mobile SS–16.

Increasing the Backfire production rate beyond 30 per year.

Interference with our national technical means.

Deliberate concealment of strategic programs which leaves us uncertain as to whether we have reason for concern.

We are proceeding at a rapid pace with deployment of cruise missiles on bombers, and the Trident submarines. We are moving ahead with the MX missile and the B–1 bomber. Under our present programs, we could exceed the SALT subceilings as early as 1984. Unless the Administration respects those ceilings, it is hard to see how we can expect the Soviets to do so. In addition unless we are careful with such programs as dense pack for MX deployment, we could run afoul of the SALT ban on new fixed, land-based ICBM launchers. If we treat that ban capriciously, how can we expect otherwise from the Soviets?

The answer to these very serious questions is clearly to reach agreement with the Soviets as to just how the two sides will comport themselves. The alternative—leaving it to the two sides who mistrust each other and fear strategic advantage by the other side—is simply unacceptable. No one would buy a small household appliance from a manufacturer who gave only a verbal assurance of a warranty which would not "undercut" or be "grossly inconsistent" with accepted practices. No one should stake this nation's future on such imprecise, unilateral pledges either.

In testimony before the Committee, Administration officials argued that an effort to ratify SALT II would bring about a needless and contentious debate, and we have not pressed for further action on the SALT II Treaty. However, it is only fair to note that, if the President could move beyond his campaign rhetoric in describing SALT II as "fatally flawed" to weigh the pros and cons of formal SALT restraints, he might quite well realize that SALT II ratification is in the national interest of the United States and would strengthen his hand as he pursues START. If this Administration, even now, were to state its support for approval by the Senate, there is no question in our minds that SALT II would be ratified.

Accordingly, in markup, we supported an amendment offered by Senator Glenn urging the President to review SALT II and promptly report his recommendations with respect to ratification. That amendment, which would not bind the President in any way, was rejected by the Committee.

We also supported a Glenn amendment stating,

> To establish a more stable bilateral regime providing mutual restraint and reassurance and to ensure that the way remains open to significant reductions in a new agreement, the United States and the Soviet Union should as a first step in the START process agree to refrain from actions which would undercut the SALT I and SALT II agreements with an objective of preserving present limitations and controls on current nuclear weapons and nuclear delivery systems pending achievement and ratification of a START Treaty.

The amendment would not dictate specific negotiating terms, nor require SALT II ratification. However, it would caution the Administration that the Congress thinks it best to lock in existing limitations and the framework of limitations before launching into negotiations which may take years.

The Committee was not willing to state that the Soviet Union and the United States should agree on the restraint that the President has already announced unilaterally. Accordingly, the Committee rejected the amendment by a vote of 9–7.

In the end, the majority of Committee members decided to support a provision stating that ". . . the United States shall continue to refrain from actions which would undercut the SALT I and SALT II agreements, provided the Soviet Union shows equal restraint." Essentially, the President's Memorial Day statement was adopted.

However, by stating in law that the United States shall comport itself in a restrained fashion, the majority thought that the SALT regime would be better protected. Given the tremendous loophole posed by the unilateral nature of the approach, and the uncertainties associated with restraint that the Administration may not be willing to discuss with the Soviets, we urge those who gladly accept small comforts to be comforted.

As former Secretary of State Henry Kissinger said recently,

> I have a great deal of difficulty understanding why it is safe to adhere to a non-ratified agreement while it is unsafe formally to ratify what one is already observing.

A number of distinguished Americans came before the Committee to support SALT ratification or adherence. Former Secretary of Defense James Schlesinger told the Committee that,

> Setting aside the protocol which expired December 31, 1981, the other elements are probably in the strategic interest of the United States at this time to abide by.

Former Secretary of Defense Harold Brown told the Committee,

> I believe that for the good of the United States, SALT II should be ratified.

Speaking for the Administration, Secretary Alexander Haig told the Committee,

> Well, the basic problem with SALT II, Senator, I would put into three categories. First, the verification question we have already discussed, especially the telemetry question, and the unacceptable or undesirable position that the Soviet Union has taken on that subject. Second, and most important of all, is the destabilizing aspects of the SALT II agreement, which permitted the retention of substantial numbers of large Soviet ICBM's with a first-strike hard-target kill capability, which we consider to be very destabilizing. Third is the broad strategic risks assoicated with possible Soviet breakout by additional MIRVing at the time of termination of SALT II in 1985. This could have placed the United States at a totally unacceptable disadvantage, so we felt we had to devise a new approach.

We find his three arguments do not stand up to scrutiny:

1. Verification

The verification issue was discussed before the Committee by former Central Intelligence Agency Director William Colby. Mr. Colby told the Committee:

> The provisions of SALT I and SALT II—both contained a number of provisions designed to ease the process of monitoring the forces and weapons covered by those agreements. Agreements on non-concealment, specific numerical limitations, testing and notification rules, provisions for registration of forces all ease the problem of monitoring Soviet forces. The numerical limitations limit the number of such targets that need to be identified, even though the remaining territory, of course, must be examined to determine possible violations. The process is easier under an agreement than in its absence. The third important fact is that an agreement provides a vehicle for communicating with the other side about these forces, which does not exist in its absence. An agreement provides channels for requests for reassurance, clarification of ambigui-

ties, and actual changes in Soviet behavior to comply with the agreement. In the absence of an agreement, none of these exist, and the requests for reassurance can be turned off with the same cold or propagandistic response that the Soviets are so fond of giving with respect to things about which they have not agreed.

2. Heavy missiles

With regard to any problems created by Soviet retention of heavy weapons, Mr. Schlesinger pointed out to the Committee that,

> We sometimes blame arms control negotiations for deficiencies in our posture. This is true with regard to the so-called heavy missiles of the Soviet Union.

The former arms control negotiator and Arms Control and Disarmament Agency Director, Paul Warnke, told the Committee that he was dismayed by the argument contained in Secretary Haig's testimony. Mr. Warnke noted,

> If SALT II is allowed to lapse and the constraints are allowed to lapse, that is not going to reduce a single Soviet SS–18. All that will happen is that they can increase by many times the individual warheads with which their SS–18's are now equipped.

3. Breakout

Secretary Haig's argument about breakout when SALT II expires in 1985 is not compelling. If the Secretary fears additional Soviet MIRVing after 1985, he should be even more concerned about additional Soviet MIRVing before 1985, indeed at any point under the present fragile restraint regime. The United States would be far better off knowing that the Soviet MIRV's were restrained until 1985 than it could possibly be with no formal restraint at all. The best way to forestall Soviet MIRVing is to maintain the regime that both sides have agreed to and to provide substantial reductions before any possibility of any breakout might occur. Certainly, the Administration should be able to reach agreement with the Soviets to preclude additional MIRVing after SALT II would expire. If not, the matter could be handled in the next Administration before SALT II is scheduled to expire.

In closing, we note that we found in the course of our hearings that the Administration continues to be unwilling to recognize any of the benefits of SALT II. Some of the Administration witnesses even appeared unfamiliar with the terms of SALT. Others were clearly uninformed as to the history of the SALT II Treaty. Clearly, the Administration opposition to SALT is based partly on ignorance. That is a very unsound basis for public policy.

CONCLUSION

We wish that we could have supported the Committee resolution as passed. We also wish that there were more evidence that the Administration shares our deeply held belief that constructive efforts to curb the nuclear arms race and bring significant reductions in nuclear armaments are urgently needed.

Unfortunately, the record of the Reagan Administration on arms control is dismal and causes us to doubt both the ability and the willingness of the Administration to achieve effective arms control.

Consider that, under this Administration:

Our nuclear deterrent has been denigrated without factual justification—to the dismay of our citizens and our allies.

Irresponsible statements on nuclear war and irresponsible actions such as the pointless doubling of civil defense expenditures have led many to fear that the Administration sees nuclear war as some sort of "winnable" venture.

Strong nonproliferation efforts have been replaced by moves to open the way to the peddling of sensitive nuclear technology, equipment and materials around the world.

Important negotiations, such as that on the comprehensive test ban, have been abandoned.

Other negotiations, such as that on limitations on antisatellite systems, are in limbo.

The SALT II Treaty, the work of three presidents, has been rejected on the basis of simplistic campaign rhetoric.

The Arms Control and Disarmament Agency has endured draconian budgetary and manpower cuts—the only agency in the national security sphere to endure any cuts at all.

The list could go on. We urge our fellow Senators to bear this record in mind in deciding whether to let the Administration go its own way or to give strong and positive advice.

We prefer the latter course. It is incumbent upon the Congress to realize that there is an obligation under the Constitution to provide direction and guidance to the executive branch.

We should remember that it was the Congress which applied the necessary pressure to prevent a country-wide anti-ballistic missile system and opened the way to negotiated limitations. It was the Senate which overwhelmingly adopted a nuclear weapons freeze resolution in 1970. That resolution would have prevented MIRV deployments and a new round in the nuclear arms race if it had become national policy.

It can be the Congress now which will put the country back on course toward strong and effective strategic arms limitations reductions.

Joseph R. Biden, Jr.
John Glenn.
Paul S. Sarbanes.
Paul E. Tsongas.
Alan Cranston.

ADDITIONAL VIEWS OF MESSRS. PELL AND DODD

We concur fully with the views of the Minority with regard to the resolution, and we wish the Committee had been willing to take a much stronger stand. We are both original cosponsors of the Kennedy/Hatfield nuclear freeze resolution in the Senate and are both strong supporters of the nuclear freeze movement.

An amendment offered by Senators Pell and Cranston was the basis of Committee action on the nuclear freeze issue. We both supported that amendment and the two amendments offered by Senator Glenn strengthening adherence to the previously negotiated and signed strategic arms limitation agreements.

We regret that these amendments did not pass and that the Committee was not able to take a more determined stand on this most important of all issues.

Nonetheless, we are supporting the Majority in ordering the resolution reported favorably for two primary reasons. First, we believe that the issues addressed in this resolution are of such magnitude that the whole Senate should have the opportunity to exercise its judgment after a full debate. Reporting this resolution to the Senate floor will allow that necessary debate to occur. Second. we believe that the Chairman, Senator Percy, made an effort in good faith to accommodate the Minority on several important points, including a Pell amendment to ensure that the Congress goes on record in favor of a dynamic and continuing process of nuclear arms reductions.

When this resolution is considered by the full Senate, we intend to join with others in pressing for Senate endorsement of a nuclear freeze and for Senate support of agreement between the United States and the Soviet Union to continue to respect the SALT I interim agreement and SALT II.

CLAIBORNE PELL.
CHRISTOPHER J. DODD.

ADDITIONAL VIEWS OF MR. HELMS

The Joint Resolution with respect to nuclear arms reductions was marked up and ordered reported on June 9, 1982 by a vote of 12-5. I am correctly recorded as having voted in the affirmative; however, my vote was cast by proxy.

As a result of the unusual circumstances surrounding that vote, I must withdraw my support of the resolution. I will vote against it on the Floor as reported, and I urge my colleagues to do likewise.

The goal of nuclear arms reduction is one which I share. Indeed, I based my opposition to SALT II on the very fact that it failed to bring about real reductions, and locked us into a position of inferiority in crucial strategic areas. The notion that the United States is engaged in a nuclear arms "race" is absurd on its face when one examines the restraint which our nation has demonstrated over the past 15 years. There is only one nation which has constantly engaged in the development, production, and deployment of nuclear arms, and that nation is the Soviet Union. (See the charts which follow this section.)

We must stop the production of nuclear weapons now; we must go further and reduce the nuclear stockpiles now in existence. But we must do it in such a way that our safety and our freedom are not endangered during the period of reduction. However, the resolution reported from the committee will, in my judgment, undercut the goal of achieving verifiable arms reduction.

Unfortunately, the President's goal of START—the Strategic Arms Reduction Talks—has been countered by a Soviet-inspired disinformation campaign calling for a nuclear "freeze." The purpose of the freeze campaign is quite plain: To cast a chilling effect on U.S. strategic defense, both in our resolve and our deployment.

One can see that this campaign was begun less than two years ago, coopting the world peace movement to Soviet purposes. In the beginning, the activities of the world peace movement were scarcely reported in Pravda; but in more recent months, Pravda has reported on peace demonstrations at the rate of more than three a day. Not surprisingly, no demonstrations are reported within the Soviet empire; the attention is completely focused on the free world. This widespread activity has engaged the media in the United States, and even some national leaders who should be better trained in the principles of psychological warfare. The Committee's resolution is a response to the "freeze" movement, and is caught up in that insidious dialectic.

I therefore had doubts about the wisdom of participating in a debate which is being conducted on Soviet terms. Moreover, I have questions about START itself—not START as originally outlined by the President, but START as it emerged from the arms control bureaucracy in its technical dress. Despite the President's efforts to appoint senior officials in ACDA of unimpeachable merit and loyalty to the

President's program, no similar effort was applied consistently to second and third echelon positions. The technical premises of START, prepared by the arms control bureaucracy, need to be examined to see whether they are different from those of the Carter Administration, or even worse—a supposition not to be dismissed out of hand.

Despite the pronouncements of the President and former Secretary of State Alexander Haig that SALT II is dead, there is a persistent lobby for reviving SALT II with its fatal flaws, and implementing its provisions by the back door. This could be a fatal blow to our national security and freedom.

The record of the Soviets in violating their agreements is well known, and has been documented by competent authorities. It is only because of special political reasons and ideological unreason that this country has not made its case to the world on Soviet violations. Thus the case for a "freeze"—or even START—has to overcome formidable obstacles to be absolutely verifiable. Without such assurance, endorsing either concept would be an irretrievable step.

When the day for the mark-up of the resolution arrived—June 9, 1982, it was unfortunate that I was not able to be present in person for the discussion and final vote in the Foreign Relations Committee. I was distressed by both the alternatives offered, and there had been at least a dozen drafts of the resolution which was being offered in committee by the Chairman.

However, the mark-up took place at exactly the same time as the first day of mark-up in the Agriculture Committee of S. 2352, the Food Stamp Act Amendments of 1982, and related bills. As Chairman of the Agriculture Committee and author of S. 2352, I was obliged to preside over the Agriculture Committee, and could not attend the Foreign Relations Committee meeting.

Accordingly, I had delivered my proxy to the distinguished Chairman, Senator Percy, with instructions to uphold the Administration's position, and to defeat the various proposals calling for negotiations on a nuclear freeze. The Administration's proposals at least have the merit of ambiguity, and are infinitely preferable to the concept of a nuclear freeze which would lock in Soviet superiority.

In my opinion, the resolution reported from the Committee does not support the Administration's position as I understand it. Indeed, the resolution appears to attempt to ratify the SALT II treaty by mandating de facto observance of its provisions. Not only does this raise grave Constitutional questions—such as the issue of whether a treaty can be approved by a bare majority approving executive action—it also raises questions of the long-term survival of our strategic defenses.

The third of the resolving clauses states:

> To provide a basis for progress during the START negotiations, the United States shall continue to refrain from actions which would undercut the SALT I and SALT II agreements, provided the Soviet Union shows equal restraint.

The operative word in this clause is "shall," a word which mandates its provisions.

Previous drafts had used the word "should," a formulation which is merely precatory, that is to say, expressing a non-binding pious hope. The word "shall" had not appeared in the previous drafs, not even in the one circulating the day before; but when the draft was presented to the Committee, the word "shall" had been mysteriously inserted. The drafts which I saw did not have the word "shall," nor did the Administration inform me that so significant a change had been made. It may be that even the Administration was not aware of the change, but the result was that I was misled when I gave my proxy to the Chairman.

Furthermore, the clause itself is misleading in that it purports to be based on President Reagan's statements. The fifth "whereas" clause, laying the predicate for the resolution, states:

> Whereas President Reagan has declared that the United States would continue to refrain from actions that would undercut existing SALT agreements as long as the Soviet Union shows equal restraint.

However, the President did not use the acronym SALT. What he actually said on May 30 at Arlington National Cemetery was the following:

> As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint.

The President's words were apparently chosen to be non-specific. The only "existing strategic arms agreement" at the present time is the Anti-Ballistic Missile Treaty of 1972, which comes up for review in October. Although it was negotiated and ratified in conjunction with the Interim Agreement on Strategic Arms Limitation, commonly known as SALT I, it is technically not part of SALT I. Indeed, it is of indefinite duration, whereas SALT I expired in October, 1977 and no longer has effect in international law.

SALT I, therefore, is not an existing strategic arms agreement, even though the United States and the Soviet Union issued supposed "parallel statements" in October, 1977 promising to observe the terms. The statements are not parallel because the U.S. promise was indefinite, whereas the Soviet promise was linked to the successful completion of a SALT II agreement.

Of course, a resolution of consent to the ratification of SALT II was never approved by the U.S. Senate. So legally no agreement exists. The only standing SALT II has in international law is the principle that the parties will not undercut the terms as long as there is a reasonable chance that it will be ratified. But SALT II has never been presented either to the Supreme Soviet or to the U.S. Senate, and there is no prospect that it ever will be. Indeed, the Administration has said that SALT II is dead. There is, therefore, no agreement.

Intentional or not, the "whereas" clause misrepresents the President's statement by converting a statement about the ABM treaty into support for SALT. But the resolving clause is even more misleading when it demands the observance of both SALT I and SALT II, both of them non-existent agreements, with the implication that this requirement is somehow based on the President's statement. In my view, the clause expresses exactly the opposite of the President's position. The staff which prepared the drafts of this resolution have ill served the Committee and the Senate.

But even if "shall" were changed back to "should," the whole episode casts doubt upon the utility of resolution. Its merits remain dubious. START itself needs much closer examination than the Committee has given it before endorsement is possible. In addition, the resolution is encumbered by extraneous issues with regard to accidental nuclear war, terrorism, and the Threshold Test Ban Treaty. These issues are not relevant to START.

Moreover, the Committee overlooked the introduction of S.J. Res. 409, by Senator Garn of Utah. Admittedly, it was introduced on the same day as the mark-up, but its details are explicit and its purposes sound. The Garn Resolution deserves closer attention. Accordingly, in the succeeding section, I offer my own analysis of the Garn Resolution and the other issues to which I have referred.

I. ANNEX

A. Comparison of U.S.-Soviet strategic force postures over 20 years: Unilateral restraint vs. steady buildup

	Soviet buildup
1963:	
U.S. unilateral deactivation of 100 Thor and Jupiter IRBMs deployed to Europe	Soviets keep 500 SS–4/5s, add 300 SS–20s
U.S. unilateral deactivation of 100 Shark GLCMs	Soviets keep 250 SLCMs
U.S. unilateral deactivation of about 2000 B–47 bombers	Soviets keep 700 Badgers
U.S. unilateral deactivation of 185 Atlas and Titan I ICBMs	Soviets keep 210 SS–7/8s until 1976, use as SALT I bargaining chip
U.S. unilateral cutback of 200 Titan II ICBMs	
U.S. unilateral cutback of 300 to 1,000 Minuteman ICBMs	Soviets accelerate SS–11/9 deployment in 1963, surpass U.S. ICBM total in 1969
U.S. unilateral cancellation of B–70 bomber and Skybolt ASMs	
U.S. unilateral reduction in air defense missiles and interceptors	Soviets keep 10,000 SAMs, 5,000 interceptors, modernize both
U.S. unilateral cutback in Polaris submarine deployment from 44 to 41 submarines	Soviets build over 62 SSBNs
Decision to freeze ICBM and SLBM deployment in 1967	Soviets keep adding new ICBM launchers, new SLBM launcher continue. Soviets add 1,000 new ICBM and SLBM launchers in 1969–77 period, after achieving parity in 1969.
1964:	
U.S. unilateral arms control reduction of U.S. enriched uranium and plutonium production	Soviets increase nuclear weapon plant capacity and production
1967:	
U.S. unilateral deactivation of 70 B–58 bombers	Soviets keep 100 Blinders
U.S. unilateral freeze in ICBM and SLBM deployment	Soviets keep building ICBMs, SLBMs
U.S. unilateral scale-down of ABM deployment plans	Soviet ABM program slightly cutback
1962–82:	
U.S. unilaterally deactivates 364 B–52s	Soviets keep 190 Bear and Bison bombers throughout the period, produce Bear variants into the 1970s

1972:	
U.S. ABM program reduced from 12 sites possible, 4 authorized, 2 under contruction, to only 1 site under construction	Soviets expand Moscow ABM in 1970s, and modernize
1973:	
U.S. ABM R&D cut drastically	ABM R&D increases after 1972, and continue at steady, active pace
1976:	
U.S. ABM site unilaterally deactivated	
1977–80:	
B–1 bomber unilaterally cancelled (240 aircraft cut)	Soviets mass-produce Backfire, 400 by 1985, three additional new bombers in advanced R&D
Initial operational capability unilaterally delayed four years for:	
MX ICBM (number of missiles and warheads also cut)	SS–19, SS–18, SS–17 fully deployed, five new ICBMs in advanced R. & D.
Trident submarine and SLBM (construction rate also cut)	Typhoon sub ahead of Trident, SS–N–8 operational since 1973
ALCM	New ALCMs, SLCMs in advanced R. & D.
GLCM	
SLCM	
ALCM unilaterally cancelled	
160 Polaris SLBMs unilaterally deactivated	Earliest Y, old G, and H retained
SRAM production unilaterally ended	AS–3, AS–4, and similar ASMs kept in inventory
400 Hound Dog ASMs unilaterally deactivated	
Minuteman III ICBM production line unilaterally dismantled	Over 4 ICBMs in mass production
Deployment of 100 Minuteman IIIs unilaterally cancelled	200 MIRVed ICBMs, 1000 warheads deployed per year since 1974, to continue through 1985
Mark 12A warhead proof-testing and deployment unilaterally delayed 3 years	
Underground nuclear weapons proof-testing and deployment unilaterally abandoned	Soviets test high yield warheads throughout 1970s
Minuteman II modernization unilaterally abandoned	
ABM R&D further reduced unilaterally	SS–13, SS–11 modernized
Further unilateral cutback in Patriot Air Defense missiles	Air defenses modernized
Proposed increases in Civil Defense rejected	Civil Defense steadily increases
ERW (neutron warhead) production unilaterally cancelled	Soviets already possess ERW
Lance I missile production unilaterally cancelled	Soviets deploy modernized FROGs, Scaleboard, SS–21, SS–22, SS–23
1,000 U.S. nuclear warheads unilaterally withdrawn from Europe	
120 SLBMs on 5 delayed Trident submarines unilaterally cutback	Soviets increase warheads targeted on NATO four-fold
2,600 ALCMs cancelled on 130 B–52s	Soviets use 1,320 MIRV/ALCM launchers by 1985 as a goal, accelerate SLBM MIRV program in 1975
960 ALMCs cancelled by not maximizing B–52 ALCM loading	Soviets deploy long-range AS–6 on Backfire
5,000 ALCMs planned for B–1 cancelled	

1981-1985:	
Deployment of 100 stockpiled Minuteman III ICBMs again cancelled	
Unilateral reduction in MX ICBM deployment from 200 to 100, only 36 to 40 of which will actually be installed	Soviets have over 100 mobile SS-16 ICBMs stockpiled, ready for immediate deployment
Unilateral deactivation of 52 Titan II ICBMs, carrying 33% of existing ICBM megatonnage	
Cut-back of planned construction of one more Trident submarine	
Unilateral deactivation of 80 B-52Ds, carrying 19% of our bomber megatonnage	
Unilateral reduction of ALCM yearly production rate from 480 to 440 per year	Soviets mass producing ASMs, ALCMs

B. U.S. UNILATERAL RESTRAINT, 1961-82

	Delivery vehicles deactivated	Warheads lost
IRBM's	100	100
SLCM's	24	
GLCM's	100	100
B-47's	2,000	4,000
Atlas, Titan I	185	185
Titan II's	200	200
Minuteman	300	300
B-70's	200	400
Polaris	48	48
B-58	70	70
B-5	364	1,456
B-1	240	5,000
MX	200	2,800
6 delayed Trident subs	144	960
B-52 ALCM carrier reduction	130	2,600
ALCM A cancellation		1,000
SRAM cancellation		1,000
Hound Dog deactivation		400
Polaris deactivation	160	160
Minuteman III cancellation	100	300
Tactical warheads NATO, not maximizing ALCM's on		1,000
B-52		960
MX further reduction	150	1,500
Titan II deactivation	52	52
Cut 1 Trident sub	24	192
B-52 D's	80	320
Total	4,871	25,103

II. THE GARN RESOLUTION IGNORED

On the day of the Senate Foreign Relations Committee's mark-up of arms reductions proposals, June 9, 1982, Senator Garn submitted the following S. Res. 407 to the Committee for its consideration. Unfortunately, the Committee report fails to mention or consider the Garn resolution. The text of the Garn resolution, S. Res. 407, is as follows:

> Resolution expressing the sense of the Senate with respect to negotiations between the United States and the Union of Soviet Socialist Republics on the reduction of strategic offensive arms.

Whereas the stated policy of the United States Government is to negotiate verifiable reductions to equal levels in the nuclear arsenals of both the United States and the Soviet Union;

Whereas the Congress has expressed its mandate in Public Law 92–448 that the United States should not enter into a nuclear arms treaty that provides for force levels inferior to those of the Soviet Union;

Whereas the Soviet Union has deployed the most destructive nuclear force known to man;

Whereas the Soviet Union deployed this force during a period of the strategic arms limitation talks (SALT) I interim agreement on strategic offensive arms and sustained negotiations on a follow-on SALT II agreement;

Whereas the Soviet strategic nuclear arms buildup threatens the survivability of the United States land-based intercontinental ballistic missile (ICBM) force, as well as significant elementals of the United States air-based and sea-based strategic nuclear deterrent;

Whereas the Soviet Union has consistently exploited the terms of the SALT I interim agreement on strategic offensive arms and the Treaty on the Limitation of Anti-Ballistic Missile Systems;

Whereas no arms control agreement is acceptable if its terms cannot be confidently verified;

Whereas national technical means of verification will likely prove inadequate to ensure compliance with a strategic arms reduction talks (START) agreement;

Whereas the Soviet Union has embarked upon a course of military and foreign policy adventurism which threatens world peace and undermines the process of improved relations of which arms control is an important part;

Whereas the SALT II Treaty failed to achieve those objectives of equality and verifiability necessary to secure the advice and consent of the Senate to its ratification;

Whereas the SALT II Treaty would have allowed for a significant buildup in strategic offensive forces and codified a state of Soviet nuclear superiority; and

Whereas the SALT II Treaty would have provided a poor foundation upon which to promote the national security objectives of the United States, enhance international stability, or negotiate equitable and verifiable reductions in the nuclear arsenals of both the United States and the Soviet Union:

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government should enter into strategic arms reduction talks (hereafter in this resolution referred to as "START") with the Government of the Union of Soviet Socialist Republic as soon as the national security interests of the United States and world political conditions permit;

(2) the objective of these negotiations should be the achievement of an agreement on verifiable reductions to equal levels in the nuclear arsenals of the United States and the Union of Soviet Socialist Republics; and

(3) any such future START agreement should—

(A) be based on the principle of true equality as expressed by the Congress in Public Law 92-448 and as determined by an overall assessment of strategic indicators, including missile throw weight and warheads;

(B) enhance the survivability of the nuclear deterrent forces of the United States;

(C) provide for the dismantling or counting under the force ceilings of missiles excess to those levels needed for maintenance and testing purposes;

(D) provide for cooperative measures of verification, including provisions for onsite inspection, to complement national technical means of certification and to ensure compliance;

(E) serve to promote the cohesion of the allies of the United States and to advance North Atlantic Treaty Organization (NATO) security; and

(F) enhance the goals of international stability and the national security interests of the United States.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

A. Analysis of the Garn resolution

Senator Garn's focus upon the "Jackson Amendment" to SALT I and the basis for judging SALT II and negotiating START is admirable. The Jackson Amendment contains the following key principles:

> The United States * * * desires a *stable* international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic arms agreement not achieved within five years of the interim agreement i.e., by 1977, and were the *survivability* of the strategic deterrent forces of the US to be threatened as a result of such failure, this could jeopardize the supreme national interests of the US * * * The Congress recognizes the principle of US-Soviet *equality* reflected in the anti-ballistic missile treaty, and urges and requests the President to seek a future treaty that, *inter alia*, would *not* limit the US to levels of intercontinental strategic forces *inferior* to the limits provided for the Soviet Union * * * *Congress considers that the success of the interim agreement and the attainment of more permanent and comprehensive agreements are dependent upon the preservation of longstanding US policy that neither the Soviet Union nor the US should seek unilateral advantage by developing a first strike potential.* (Emphasis added)

In fact, however, the Soviets have developed just such a first strike potential under SALT I, threatening the survivability of US forces. Thus, the success of the SALT I agreements must be judged negatively. Neither SALT I nor SALT II provided stability, US survivability, or equality, but instead codified US inferiority and a dangerous Soviet first strike potential.

In the "whereas" section of his resolution, Senator Garn accuses the Soviets of having "exploited" the terms of SALT I. In other contexts, the Senator has accused the Soviets of outright cheating and violations of SALT I. (See below for a discussion of Soviet SALT violations.) Senator Garn has also focused upon the need to link Soviet restraint in international affairs to further progress in arms control. He refers to the unequal provisions and the unverifiability of SALT II. He also states that SALT II would have codified Soviet strategic superiority.

In the resolved section of his resolution, Senator Garn has again usefully linked the US entry into START negotiations to Soviet good behavior in foreign policy. He again states that equality and verifiability be prime US START objectives, and he again refers to the "Jackson Amendment", Public Law 91–448. He mentions that true equality must include all strategic indicators, in particular, missile throw weight and warheads. Equally important, he argues that START must enhance the survivability of US deterrent forces, another key objective inherited from the Jackson Amendment. Finally, Senator Garn mentions the necessity of limiting Soviet stockpiled missiles usable for refire.

All of these objectives are laudable, and are fully consistent with the Jackson Amendment, the law of the land as US arms control objectives are concerned.

III. ANALYSIS OF REAGAN STRATEGIC AND ARMS CONTROL POLICIES

During the 1980 Presidential campaign, candidate Reagan advocated building a "margin of safety" in strategic nuclear force capability over the Soviets, and closing the "window of strategic vulnerability" which the Soviets have established over the U.S. since 1980. (In the Washington Post of December 14, 1980, former Undersecretary of Defense Perry confessed that in 1977 the Carter Administration grossly underestimated the rapidity of both Soviet MIRV missile deployments and accuracy improvements, thereby creating the 1980–1990 window of vulnerability.) Candidate Reagan also argued that the SALT II Treaty was "fundamentally flawed," permanently preserved Soviet strategic superiority, and was not verifiable.

The Republican Party Platform of July 1980 endorsed the following proposition:

> The foreign policy of the U.S. would "accept no arms control agreement which in any way jeopardizes the security of the U.S. or its allies, or which *locks the U.S. into a position of military inferiority*" (Emphasis added).

President Reagan reaffirmed this platform after his election. Moreover, in a public letter to the Coalition for Peace Through Strength of October 15, 1981, President Reagan stated: "I will sign the resolution after it is passed by Congress" into the law of the land. Yet the above platform proposition and pledge is dramatically inconsistent with the proposed de facto ratification of the SALT II Treaty. President Reagan has also stated correctly that the Soviets now have strategic superiority over the U.S. Thus, de factor ratification of SALT II would legally enforce U.S. inferiority to the Soviets.

President Reagan also rejected continued U.S. unilateral restraint in strategic programs. In March, 1981, President Reagan stated that the Soviets have "sat on the other side of the Table so far, knowing that we have unilaterally disarmed to a great extent . . . maybe if we do a little building—it'll be a two way street."

But since the 1980 election, the Reagan Administration has failed to approve all but one strategic "quick fix" option which could close the window of vulnerability in the near term. The one option not rejected, deployment of 50 or 100 stockpiled Minuteman III ICBMs, was finally accepted after having been initially rejected because it would have violated the SALT II Treaty in 1983 or 1984.

Further, the Reagan Administration is unilaterally deactivating 52 ICBMs, 160 SLBMs, and 80 B–52D intercontinental bombers. These U.S. unilateral deactivations total 292 strategic intercontinental delivery vehicles which carry over 334 nuclear warheads, and over 26 percent of existing U.S. strategic nuclear firepower, or megatonnage. This U.S. deactivation is being done unilaterally, without even asking for any quid pro quo in Soviet arms restraint. Thus, instead of adding a "margin of safety," we are unilaterally deactivating the most powerful element of each leg of our strategic forces Triad. The Administration is unilaterally deactivating these 334 plus nuclear warheads prior to entering into Strategic Arms Reduction Talks (START) negotiations with the Soviets, which indeed would attempt to reduce nuclear warheads themselves as a key measure of strategic capability. Thus, it would appear that this U.S. unilateral deactivation is counterproductive. It does not enhance American bargaining leverage or Soviet incentive to negotiate. Why should the Soviets negotiate reductions in strategic nuclear warheads and missiles, when the U.S. is deactivating them unilaterally on the eve of the beginning of START negotiations, without even asking for a commensurate Soviet reduction?

The U.S. B–1B bomber, the MX ICBM, the Trident submarine and SLBM, the ALCM, and the SLCM strategic modernization programs which President Reagan announced in October 1981 are indeed laudable; but the most significant new programs, the B–1B and the MX, will not be initially operational until 1987 or later. The B–1B request was reduced from 250 to only 100 aircraft and the MX from 200 to only 40 deployed missiles. And the ALCM production rate has been reduced from 480 to only 440 per year. So there will thus be a 1980–1990 decade-long "window of vulnerability."

In late 1979, the Senate Armed Services Committee stated flatly that the SALT II Treaty was not in the U.S. national security interest, because it was deemed unequal, unbalanced, destabilizing and unverifiable. Candidate Reagan agreed with the Senate Armed Services Committee during the 1980 campaign. But President Reagan's recent 1982 Memorial Day speech committing the U.S. to unilateral compliance with existing strategic arms agreements raises ambiguities when compared with his campaign posture. President Reagan has also stated that the U.S. cannot verify the number of warheads on Soviet missiles; but warhead limits on missiles are regarded by SALT II proponents as key constraints of SALT II. Indeed, the main element of the Administration's START proposal is a sharp reduction in warheads, yet by the President's own assessment, the U.S. cannot verify warhead limits (see section VI "START: Another Shake of SALT," for more details).

The following table illustrates Soviet strategic superiority in 1982, a superiority which will only increase in the years ahead. (The 292 U.S. strategic delivery vehicles and their 334 plus warheads planned for U.S. unilateral deactivation are taken out of U.S. forces. Soviet Backfire intercontinental bombers are included in Soviet forces.)

SOVIET STRATEGIC SUPERIORITY 1982

	U.S. forces	Soviet forces
Warheads	8,600	9,400
ICBM's	[1] 1,000	[2] 1,400
SLBM's	[3] 496	[4] 1,020
Intercontinental bombers	236	430
ABM's	0	[5] 32
Air defense missiles	0	12,000
Air defense interceptor aircraft	100	5,000
Antisubmarine subs	81	220
	Limited civil defense	Nationwide effective, civil defense
Total intercontinental delivery vehicles	1,732	2,850
Immediate strategic reserve	0	[6] 100 [2] 200
Total		3,150
Long-term strategic reserve	0	[8] 1,300
Total		4,450

[1] 550 MIRV'd.
[2] 800 MIRV'd.
[3] 496 MIRV'd.
[4] 300 MIRV'd.
[5] Being modernized and increased to 100, plus nationwide breakout capability.
[6] Test and training ICBM's.
[7] Mobile SS-16 ICBM's.
[8] Stockpiled old ICBM's.

With respect to its arms control posture, the Reagan Administration has put itself in an unenviable position. The United States has allowed itself to be accused of an enormous strategic arms buildup, while at the same time stalling the opening of strategic arms negotiations. But as we have seen, the B-1B bomber, and the MX IBCM will only be available in 1987, and then only in reduced numbers, and Congress may budget so as to cancel or further reduce these programs anyway. Moreover, as noted, the United States is unilaterally deactivating 292 Polaris ICBMs, Titan II ICBMs, and B-52D bombers, which carry over 26 percent of our existing nuclear firepower or megatonnage. These are the most power elements in each leg of our strategic Triad that we are deactivating, yet we are not even asking for Soviet quids pro quo in arms restraint.

It would be a grave danger, therefore, for the United States unilaterally to comply with the unratified SALT II Treaty, which Candidate Reagan said was "fatally flawed," and which the Senate Armed Services Committee said was not in the U.S. national security interest.

Was not President Carter right, when he stated that the 1980 election would be a referendum on the SALT II Treaty? But now President Carter's fatally flawed SALT II Treaty has been put back in the running.

In fact, the alleged U.S. strategic buildup is stalled in Congressional micro-management and budget cutting. The Soviets have been talking about arms control agreements while relentlessly building up their own strategic forces, but accusing the United States of being the villain of arms control.

The tragic thing is that all of this need not have happened. Given the record of Soviet non-compliance with treaties, as well as its continuing unprecedented military buildup, it is the United States which really stands on the high moral ground in the arms control arena. In order to take advantage of the integrity of U.S. strict SALT compliance, it is long overdue for the United States to take the offensive in presenting the clear-cut evidence of Soviet circumventions and violations of arms treaties, and in insisting that any arms control treaties in fact be truly verifiable and unambiguous before the United States would even consider agreeing to them.

This is why the naive assumptions made by some advocates of a nuclear "freeze" must be examined. In particular, nuclear freeze advocates have not dealt realistically with the necessity of strict and complete verifiability of any "freeze" agreement. Without precisely agreed provisions and definitions providing for verifiability, "freeze" advocates are trusting in Soviet compliance with an international agreement—a dangerous assumption given the historical record of Soviet violations over the past 65 years. On a practical and historical level, the record is littered with treaties and agreements unobserved or broken by the Soviets.

The record of U.S. unilateral restraint in strategic programs is clear (See Annex). For just a few examples, the United States unilaterally froze its production of plutonium for nuclear warheads in 1964, in hopes of similar Soviet restraint. In 1967, the United States stopped building ICBM and SLBM launchers, and has frozen these forces at the 1967 level ever since, in hopes of stimulating Soviet restraint. Since 1969, the U.S. has unilaterally deactivated over 410 strategic delivery vehicles, and has cut back over 6,000 planned strategic warheads. In 1977, the U.S. cancelled the B–1 bomber, in hopes of stimulating Soviet restraint. In 1978, the U.S. cancelled the neutron warhead, again in hopes that the Soviets would restrain their strategic programs in response. But all of these U.S. unilateral restraints were ignored by the Soviets.

As former Defense Secretary Brown has explained, when the U.S. builds its strategic forces, the Soviets build. When the U.S. stops building, the Soviets build.

IV. TRUSTING SOVIET TREATY COMPLIANCE

An official U.S. State Department Soviet Affairs Note published in 1959 stated:

> Few nations can match the USSR in vociferous protestations of loyalty to international obligations. However, such declarations—which are typical of Soviet propagandists and

> scholars alike—diverge widely from actual Soviet practice. In the years since the Bolshevik Revolution the Soviet government, while consistently accusing others of bad faith in international dealings, has not hesitated to violate its own treaty obligations when such action appeared to be in its interest.

The fact that there have been many Soviet treaty violations is indisputable. The Soviets use international law, like warfare and subversion, as an instrument of policy. A Soviet international legal expert succinctly stated:

> Those institutions of international law which can facilitate the accomplishment of the stated tasks (of Soviet foreign policy) are recognized and applied in the USSR; those which contradict these aims in any way are rejected.

The above official 1959 State Department document authoritatively concluded that:

> The history of the last 40 years provided numerous examples of deliberate treaty violation by the Soviet regime. A cursory examination of the public conventions entered into by the Soviet Union during this period reveals well over *50 violations*. The USSR has disregarded treaty provisions inconvenient to itself, has unilaterally denounced conventions to which it was a party, has threatened abrogation as a means of intimidation, and has on several occasions attacked fellow signatories to treaties of friendship and nonaggression. (Emphasis added).

A. Soviet SALT violations

An advisor to President Reagan, Laurence Beilenson, stated in a recent book:

> We consider ourselves sagacious in staking our survival on treaties with the U.S.S.R., whose ideology blesses cheating as a virtue.

Analysis of Soviet compliance with Strategic Arms Limitation Treaties (SALT) has been complicated by the ambiguity of many of the provisions of the agreements. But this ambiguity was deliberately intended by the Soviets and is the direct result of Soviet negotiating deception to create loopholes to protect their strategic programs from constraints. Analysis of Soviet SALT compliance is also hindered by the well known ambiguity of U.S. intelligence data and judgments. But this ambiguity also stems largely from Soviet behavior. Since 1972, the Soviets have engaged in a massive camouflage, concealment, and deception program involving all Soviet strategic forces. This program has deliberately and clearly interfered with U.S. national technical means of verification. The harmful effects of Soviet camouflage, concealment, and deception can be recognized in the role it had in misleading U.S. intelligence estimates of both the basic Soviet ICBM and SLBM levels during SALT I. These were the key verification paramaters of SALT I, and U.S. intelligence miscounted both of them.

Thus the Soviets deceptively negotiate ambiguous SALT provisions, and then try to confound U.S. monitoring and analysis of their compliance behavior by throwing sand in our eyes. To add injury to insult, the Soviets often deliberately circumvent and even violate arms control treaties and other treaties. Nevertheless, the Soviets have had the gall to claim frequently that the U.S. should "trust" the Soviets to comply with SALT agreements.

The conclusion that the Soviets have violated SALT treaties not be surprising, however, when viewed against the background of the history of Soviet diplomatic behavior and treaty violations since the Bolshevik Revolution of 1917. Moreover, the conclusive evidence of Soviet negotiating deception throughout the SALT negotiations is indicative of Soviet compliance behavior. This pattern of negotiating deception, operational camouflage and concealment, and treaty violations is part of a much larger Soviet effort in diplomatic duplicity which involves propaganda, disinformation ploys, and "active measures" of covert action and subversion designed to totally defeat the West.

The record of Soviet non-compliance with arms control treaties suggests that evasion, circumvention, and violation are endemic to Soviet diplomatic behavior. The SALT negotiating and compliance record confirms that the Soviets have entirely different and hostile objectives in arms control which are fundamentally incompatible with those of the U.S. Thus the Soviets have found evasion, circumvention, and violation of arms control agreements to be in their interest, and have behaved accordingly. They have circumvented, evaded, or violated SALT agreements in order to further the shift in correlation of forces in their favor. Yet thus far the U.S. has failed to respond with compensatory strategic programs or even to challenge Soviet SALT violations. But Soviet peace propaganda has successfully obfuscated Soviet SALT cheating, and instead made the U.S. seem to be the main villain in arms control.

The Soviet Union is guilty of 20 to 35 reported violations of the SALT I ABM Treaty, SALT I Interim Agreement, SALT II, and other arms control agreements. The SALT violations "coverup" began under the Nixon Administration and was orchestrated by Dr. Henry Kissinger, who continued to perpetuate the coverup under the Ford Administration. It was continued and expanded under the Carter Administration, which extended the coverup to Soviet violations of SALT II. The Nixon, Ford, and Carter Administrations either suppressed these violations from the American people, or distorted or misleadingly presented them. The violations are as follows:

1. SALT I violations—ABM Treaty.—

Soviet Sam testing in ABM mode for SAM upgrade;

Soviet deployment of ABM Battle Management Radars for national defense;

Soviet ABM camouflage and concealment;

Soviet falsification of ABM deactivation;

Soviet creation of a new ABM Test Range without required prior notification;

Soviet development of a rapidly deployable, mobile ABM, also for nationwide defense.

2. SALT I violations—interim agreement.—

Soviet deployment of the heavy SS–19 ICBM as the replacement of the light SS–11 ICBM, which is the most dangerous of all Soviet SALT violations;

Soviet failure to deactivate old ICBMs on time, and falsification of official deactivation reports;

Bringing back ICBM equipment to deactivated ICBM complexes;

Keeping 18 SS–9 ICBMs at an ICBM test range, illegally operational;

Soviet deployment of IIIX silos with a configuration too similar to a missile-launch silo.

Soviet massive use of deliberate camouflage, concealment, and deception which actually increased after 1972;

Encryption of missile telemetry

Camouflage of ICBM testing, production, deployment

Concealment of SLBM submarine construction, berthing, dummy subs, berthing tunnels;

Constructing over 68 strategic submarines, when only 62 were allowed:

SS–20 IRBM deployment, which should count as ICBM deployment;

Violation of Brezhnev's pledge not to build mobile ICBMs;

Deploying SS–11 ICBMs at SS–4 MRBM sites, probably having a covert soft launch capability.

Keeping about 1,300 to several thousand old ICBMs stockpiled for both covert soft launch and rapid reload of silos for refire.

3. Other arms control violation.—

Over eight Soviet underground nuclear tests over 150 kilotons, in clearcut violation of the 1974 Threshold Test Ban Treaty. Several of these high yield underground tests are unambiguous violations;

Over 30 unambiguous Soviet ventings of radioactive debris from underground nuclear tests in clearcut violation of the 1973 Limited Test Ban Treaty. These ventings are all unequivocal, and resulted in the spread of radioactive debris outside of Soviet borders;

Inaddition to the Soviet Combat Brigade deployed in Cuba, Soviet deployment to Cuba since 1970 of Golf and Echo class submarines carrying long-range nuclear missiles, deployment of nuclear-capable MiG–23 fighter bombers to Cuba, deployment of long-range Bear bomber type aircraft capable of carrying nuclear bombs and missiles to Cuba, all in direct violation of the 1962 and 1970 Agreements Prohibiting Offensive Weapons and their support facilities in Cuba. This clearcut arms control violation is even more serious than SS–19 deployment.

The now confirmed April 1979 germ warfare accident at Sverdlovsk, indicating conclusive Soviet violation of the 1975 Convention banning germ warfare. Moreover, there is now also conclusive evidence of illegal Soviet use of biological toxins in Southeast and Southwest Asia. And the Soviets also have an intercontinental delivery capability for Biological Warfare (BW) weapons.

These clearcut Soviet arms control treaty violations are easily understandable, and all by themselves have graphically demonstrated the duplicitous Soviet approach to arms control. The State Department has directly accused the Soviets of violating the BW Convention. (In 1977, Soviet Foreign Minister Gromyko told the UN that BW weapons were "cruel and barbaric.").

4. SALT II violations.—

Soviet Typhoon SLBM encryption;

Reported Soviet camouflage of new submarines and ICBMs;

SS–18 Mod X ICBM encryption;

SS–NX–20 SLBM and SS–NX–19 SLBM encryption;

SS–20 IRBM encryption and deployment;

Continued stockpiling of SS–16 mobile ICBM's and deployment of up to 200 mobile SS–16s at the Plesetsk test range;

Soviet AS–3 Kangaroo deployment on Bear bombers;

Soviet AS–6 deployment on Backfire bombers;

Reported Soviet rapid reload/refire exercises for the SS–18 cold-launched ICBMs.

There has long been more than adequate evidence to challenge Soviet SALT violations. The shift in the strategic balance in Soviet favor, and U.S. advocacy of a minimum deterrence posture in which Soviet strategic advantages are deemed meaningless, are the principal causes for U.S. acquiescence in the Soviet SALT violations. Soviet circumventions and violations have shifted the strategic balance further in Soviet favor, which in turn has made it more provocative and dangerous for the United States to challenge these violations.

Ambassador Seymour Weiss, former Director of the State Department's Office of Political-Military Affairs, has succinctly explained the SALT compliance problem:

> Once a democracy has committed itself to a major, formal arms control treaty, a treaty seen as the linchpin of a broader policy of detente, finding the partner in violation of that treaty tends to undermine its own foreign policy. It amounts to an admission of past failure. Violations—and their political as well as military implications—must be explained to the electorate and to one's allies. This means that further arms control proposals will be difficult if not impossible to advance. The consequences are almost endless and all bad, from the point of view of those supporting arms control and those who insist agreements must be and in fact are verifiable. The violation must be made to go away. It did not occur, or if it did it was a passing aberration, of no military or political consequences, unworthy of open discussion. At all costs, the process of arms control must be protected. These are not overstatements. It is this pressure of political events that bears most heavily on verification, that causes even relatively clear-cut violations to be rationalized away. Unfortunately, our failure to confront the Soviets can only be interpreted by them in one way: as proof that the massive shift in the "correlation of forces" away from capitalism and toward socialism has left the leaders of the West no choice but to accommodate themselves to the Soviet position that no violations have occurred. This, in their view, is a "forced concession" caused

> by Soviet possession of superior power. The Soviet world view allows them no other interpretation of our acquiescence in the face of *overwhelmingly objective evidence that the Soviets have violated SALT and other arms control agreements* and the West has taken no action to repudiate or modify them. (Emphasis added.)

Amb. Weiss has thus answered the question of why the United States has not acted upon Kissinger's 1972 warning that the United States would abrogate if the Soviets were circumventing or cheating. Detente and continuing the SALT process are evidently more important than preserving U.S. national security.

Probably the most authoritative accusation of Soviet SALT violations ever made has been ignored. Ambassador Paul Nitze, who is now Chief U.S. Negotiator for Intermediate Range Nuclear Force Negotiations, was asked by Senator Zorinsky during Senate Foreign Relations Committee SALT II hearings in 1979: "Do you know of any violations that have come before the SALT I Standing Consultative Commission that were not resolved under SALT I?" Ambassador Nitze replied: "No, but how were they resolved? They were resolved by accepting what had been done in violation." Thus, Paul Nitze, one of our most knowledgeable and experienced SALT negotiators, has strongly bolstered the thesis that the Soviets have violated SALT agreements.

Roberta Wholstetter has also written that:

> The cheater in an arms agreement and the side cheated . . . both need to preserve the illusion that the agreement has not been violated. The British fear of an arms race (i.e., in the 1930s) so skillfully manipulated by Hitler, led to a (1935) naval agreement, in which the British . . . tacitly revised the Versailles Treaty. And British fear of an arms race prevented them from recognizing violations of the new agreement."

One significant Soviet SALT violation deserves analysis. Soviet military camouflage, concealment, and deception reportedly increased after SALT I negotiations began in 1969. Since SALT I was signed in 1972, the Soviets have enacted a massive camouflage, concealment, and deception program involving all Soviet strategic forces. This massive camouflage and concealment program was approved by the Politburo and Defense Council, and was coordinated with SALT negotiating deception.

But both SALT I and II state that "deliberate concealment measures which impede verification by national technical means" will not be used by either side. The Soviet program itself constitutes a violation of the provisions of both the SALT I and SALT II agreements which prohibit deliberately impeding or interfering with national technical means (NTM) of verification (reconnaissance satellites). This is because it has both deliberately and clearly interfered with U.S. national technical means of verification. This Soviet activity misled U.S. intelligence estimates of both the basic Soviet ICBM and SLBM levels during SALT I.

As even the Carter Administration State Department White Paper on SALT II verification of August 1979 stated: "Deliberate concealment efforts are themselves a violation, and if detected could be grounds for abrogating the treaty, even if we are not certain what activity is being concealed . . . concealment measures designed to impede verification would themselves be violations . . ." Thus any Soviet concealment of strategic activity is a SALT violation, if we only can establish that it is deliberate.

The intentions underlying Soviet strategic behavior are among the most difficult intelligence questions to resolve. But there has long been strong evidence that Soviet camouflage, concealment, and deception related to their SALT-constrained strategic forces is deliberately intended to interfere with and impede U.S. national technical means of SALT verification. For only one example, in 1966 the Soviets published a "Dictionary of Definitions of Military Terms." This dictionary contained a definition of "maskirovka," the Soviet term for camouflage, concealment, and deception. Maskirovka included: ". . . creating deliberate interference with technical means of reconnaissance." (Colonel P. I. Skeybeda, ed., Dictionary of Definitions of Military Terms (Moscow: 1966), pp. 228–220.) This revealing definition of maskirovka appeared six years prior to the 1972 signing of SALT I, which precisely prohibited just such deliberate interference with NTM. Such a definition is surely still accurate.

Moreover, the Soviets have openly stated that they have long deployed concealed ICBM launchers, and they have even shown on Moscow television examples of some of them concealed as woodpiles. The Soviets evidently want the U.S. to believe that they have concealed ICBM launchers. Such concealed ICBM deployment completely circumvents all SALT I and II ceilings on launchers.

The Soviets have actually even had the gall to accuse the U.S. of deliberate concealment. This is tantamount to a Soviet accusation of U.S. SALT violation. The U.S. has not, however, engaged in deliberate concealment.

The status of SALT II compliance obligations on the Soviet side is ambiguous. Since early 1980, when President Carter ordered the SALT II Treaty's ratification to be suspended indefinitely, the Soviets have authoritatively stated several times that they are not bound to comply with SALT II until the U.S. ratifies it. Carter also committed the U.S. to unilateral compliance with SALT II, without even asking for a parallel Soviet compliance commitment statement. The U.S. restated again under the Reagan Administration that the U.S. will comply with SALT II as long as the Soviets do nothing to "undercut" it. Leaving aside the vague meaning of actions which undercut SALT II, unilateral U.S. SALT II compliance is unsatisfactory. Again, the Reagan Administration has failed to even ask for a Soviet parallel statement committing the USSR to a SALT II compliance policy pending SALT III negotiations.

First, the Soviets have all the benefits of U.S. compliance with SALT II, while themselves accepting none of the obligations. This situation is also illustrated by the fact that the Soviet government has issued no parallel compliance statement or SALT II compliance edict. Nor in two Administrations has the U.S. even demanded or requested a parallel compliance statement.

Second, on January 29, 1981, President Reagan criticized SALT II as being unverifiable as regards limits on Soviet warhead numbers, or "fractionation." In the same press conference in which he called the Soviets liars and cheats, President Reagan said:

> There is no verification as to the number of warheads on (Soviet) missiles, no method for us to do this.

Thus President Reagan himself has stated that the U.S. cannot verify Soviet compliance with a key aspect of SALT II—warhead limits. And the Russians themselves have authoritatively declared that they will not comply with SALT II until the U.S. ratifies the Treaty. It is unrealistic for the U.S. to unilaterally comply with a treaty which we know the Russians will not comply with, and which we cannot verify. And Navy Secretary Lehman has stated that continued U.S. unilateral compliance with the SALT II Treaty is illegal, contradicting Section 33 of the 1961 Arms Control and Disarmament Act.

The Soviets have reportedly continued and even increased their missile telemetry signal encryption activities, despite SALT II provisions which require the accessibility of all telemetry needed by the U.S. to verify certain parameters. This continued encryption violates Article XV and its second Common Understanding. The new SSN–20 Typhoon SLBM is reportedly being encrypted almost totally, which actively interferes with U.S. ability to determine whether the Typhoon SLBM is a banned heavy SLBM. The Soviets are also reportedly almost totally encrypting the SS–18 Mod X, interfering illegally with the U.S. ability to determine the number, size, and type of warheads carried on it. Moreover, the Soviets reportedly are almost totally encrypting the telemetry on their SS–NX–19 SCLM. This encryption interferes with the U.S. ability to determine whether this SLCM has a prohibited range longer than 600 kilometers or carries multiple warheads. Finally, high levels of SS–20 encryption reportedly continue. This encryption hampers U.S. ability to determine whether SS–20 range is being extended or whether fewer warheads are being tested.

The reported Soviet stockpiling of over 100 mobile S–16 ICBM circumvents the SALT II provisions which ban SS–16 production and deployment. This action directly violates the Protocol to the SALT II Treaty. Moreover, up to 200 mobile SS–16s have been illegally deployed at the Plesetsk test range.

The most serious Soviet SALT II violations are their reported exercises testing a rapid reload/refire capability with their SS–18 ICBM. This activity completely circumvents all the SALT II ceilings on Strategic Nuclear Delivery Vehicles: 2250, 1320, 1200, and 820.

Another SALT violation deserves analysis. The Soviets made a false SALT II claim that they do not have cruise missiles with a range greater than 600 kilometers. This falsification is a unilateral advantage which has allowed them to exclude about 250 sea-launched cruise missiles and over 100 air-to-surface cruise missiles carried on the Bear bomber.

The deception and violation is confirmed by the recent DOD book, Soviet Military Power, page 61. This official source reveals for the first time that the Soviet AS–3 Kangaroo Air-Launched Cruise Missile (ALCM) has a range of "650" kilometers, and that it is carried on two variants of the Bear bomber.

Yet the Soviets officially stated in the SALT II Data Exchange of June 18, 1979 (an integral part of the SALT II Treaty), that they had "zero" heavy bombers equipped for cruise missiles with range greater than 600 kilometers.

Thus there is an officially confirmed Soviet SALT II falsification, and the Soviets are in violation of SALT II by not counting their 105 Bear bombers in the 1,320 ceiling on MIRVs and ALCM equipped bombers.

It is especially ironic for the Soviets to have falsified the range of their AS–3 Kangaroo ALCM in 1979. For just two years earlier, on April 14, 1977, a Pravda editorial stated that: "Heavy bombers carrying cruise missiles with a range of more than 600 kilometers must be equated to MIRV missiles and accordingly entered into the established ceilings for such missiles." The Soviets evidently thus meant for only U.S. bombers equipped with long-range ALCMs to count under the 1,320 MIRV/ALCM bomber ceiling, but not their own.

Moreover, the Soviet Backfire bomber reportedly carries AS–6 air-to-surface cruise missiles with a range of 700 to 800 kilometers. Yet they also refuse to count these bombers in SALT II as well.

In conclusion, the Soviet record of noncompliance with existing SALT and other arms control agreements over the last decade has been widely and justifiably criticized. Due to the intensity and duration of the violations controversy, the U.S. public has naturally lost confidence in the integrity of the arms control negotiating process and in the integrity of U.S. enforcement of Soviet compliance with arms control agreements. Before further progress can be made in arms control negotiations with the Soviets, confidence in the integrity of the arms control process and its benefits must be restored.

If, however, the Soviet compliance record does not warrant respect, then it may be futile to resume negotiations. Moreover, there have reportedly been severe deficiencies in the quality of U.S. verification intelligence and compliance enforcement leverage.

B. Implications of the Soviet SALT violations

The Republican Party Platform of July 1980 explicitly accused the Carter Administration twice of a "cover-up" of Soviet violations of SALT I, II, and other arms control agreements:

> The Republican party deplores the attempts of the Carter Administration to cover-up Soviet noncompliance with arms control agreements, including the now overwhelming evidence of blatant Soviet violation of the Biological Warfare Convention by secret production of biological agents at Sverdlovsk . . . We pledge to end the Carter cover-up of Soviet violations of SALT I and II, to end the cover-up of the Soviet violation of the Biological Warfare Convention.

President Reagan himself criticized the bad Soviet SALT compliance record during the 1980 campaign. And, as Ronald Reagan *reaffirmed* in his first press conference after the election:

> I ran on the Platform: the people voted for me on the Platform; I do believe in that Platform, and I think it would be very cynical and calloused of me now to suggest that I'm going to turn away from it.

A serious, long-term cover-up has indeed occurred. Former Senator James Buckley, Senators Jake Garn and Gordon Humphrey, former

Defense Secretary Laird, and retired Chief of Naval Operations Admiral Zumwalt have taken the lead in exposing Soviet SALT violations and circumventions over the years.

The American people deserve to be told officially in at least general terms of the serious dangers already posed to U.S. national security by past Soviet SALT deceptions, violations and circumventions, and the extent to which they have been misled on Soviet SALT compliance and the negative effects of detente by past administrations.

But the U.S. has been, over the last decade, unable to enforce Soviet compliance with SALT and other arms control agreements. Our weak enforcement record and our failure to challenge between 20 and 35 reported cases of Soviet arms control non-compliance or circumvention has been due principally to the shift in the strategic balance against us. These Soviet violations are inconsistent with continued U.S. unilateral compliance with SALT I and II. Another factor has been the prevalence of minimum deterrence thinking among U.S. leaders. Unless we are to finally succumb to Soviet hegemony, there are compelling reasons that we now need to reverse the burden of proof in SALT compliance. The Soviets should be considered guilty of arms control violations unless they are willing to prove their innocence by providing complete data.

The Soviets have already gotten away with actions which the U.S. told them and the world in 1972 would result in our abrogation of the SALT I agreements. During the SALT I ratification hearings before Congress in 1972, top American leaders assured Congress that U.S. policy was that three specific Soviet SALT violations would not be tolerated. They stated that if the Soviets deployed heavy ICBMs to replace light ICBMs, produced mobile ICBMs contrary to a Brezhnev pledge, or constructed more than 62 strategic submarines, the U.S. would abrogate the agreements.

All the above Soviet violations and many others (reportedly 20 to 35) have nevertheless occurred. Yet the U.S. has still not protested these violations. Our abrogation threat was forgotten.

The Soviets should now be made to explain fully their reported 20 to 35 SALT and other arms control treaty violations or circumventions in the SALT Standing Consultative Commission established for this purpose, or in diplomatic and multilateral channels. They should also be made to understand that U.S. dissatisfaction with the record of Soviet arms control deception, violation, circumvention, and breakout potential will stand in the way of further progress in all arms control negotiations.

The most militarily dangerous Soviet SALT and arms control violations or circumventions are:

1. Widespread deployment of the counterforce capable SS–19 heavy ICBM, in addition to their authorized monopoly of 308 SS–18s.
2. ICBM stockpile, refire, and soft-launch capability, adding further to the counterforce threat. In addition, the Soviets have stockpiled and deployed clandestine mobile ICBMs and are deploying intermediate range mobile missiles which are easily convertible into mobile ICBMs.
3. Underground testing of high-yield nuclear warheads with increased counterforce potential;

4. Testing of air defense radars and missiles in an ABM mode, providing the breakout potential for a nationwide ABM defense;

5. Building new large ABM battle management radars and a rapidly deployable new ABM system, adding further nationwide ABM defense breakout potential; and

6. Maintenance of a confirmed biological warfare and intercontinental delivery capability.

7. The presence of Soviet offensive weapons in Cuba since 1970 (to include Soviet strategic submarines, intercontinental bombers, and fighter bombers and also their support facilities) is a direct, ongoing violation of the accords ending the 1962 Cuban missile crisis.

Altogether, these dangerous violations potentially give the Soviets both offensive and defensive breakout capabilities that cannot be offset by the U.S.

The backdrop of Soviet SALT deception, violations and circumventions has become so severe that fundamental "good faith" basis of all arms control negotiations has finally been called into question.

Challenge of Soviet noncompliance will improve the prospects for a serious renegotiation of SALT II on more equitable terms in SALT III talks. Compliance challenge will also provide strong justification for President Reagan's promised strategic force buildup required to reestablish the margin of safety needed for a secure, more stable world peace. Additionally, it will provide sound rationale for the increased intelligence collection and analytical assets needed to improve our national technical means of SALT verification. Finally and most significantly, by at long last insisting on early and complete Soviet SALT compliance, the U.S. properly and rightfully seeks to uphold the fundamental integrity of existing arms control agreements. The U.S. properly thus seeks to preserve the future viability and integrity of the entire arms control negotiating process. But this may ultimately be impossible in the face of massive Soviet treaty violations.

C. Soviet treaty violations

In conclusion, we also need to examine a brief and incomplete compilation of examples of Soviet diplomatic duplicity. The table below on Soviet treaty violations is notable for the fact that it is drawn from an official U.S. government document published in 1962. Other examples of Soviet forgeries, disinformation, and diplomatic deception are beyond the present paper's scope.

a. In 1973, the Soviets violated the 1972 Basic Principles of U.S.-Soviet Relations during the Yom Kippur War. In this case, the Soviets reneged on their 1972 pledge to engage in mutual consultations in the event that nuclear war was threatened, and they sought unilateral advantage by encouraging the Egyptian attack on Israel. They also threatened unilateral intervention against Israel, and made a nuclear threat against the U.S.

b. With Soviet aid and encouragement, North Vietnam broke the Paris Accords on Peace in Southeast Asia throughout the 1973–1975 period.

c. The Soviets also violated two arms control treaties in the 1920s and 1940s. According to Laurence Beilenson:

> There are * * * two cases where the Soviet Union abetted violations disarmament treaties. The Soviet Union was not a party to the Treaty of Versailles, but * * * it abetted the breach by Germany of its disarmament provisions, and helped Germany to defeat the provisions for verification of performance.
>
> The peace treaties of the wartime Allies—including the USSR and the United States—of 1947 with Rumania, Bulgaria, and Hungary each had clauses specifically limiting the military forces of each of the three countries, a disarmament provision. The clauses were not given even token performance. The breaches began and continued while the USSR dictated the conduct of the three countries.

d. High Reagan Administration officials have charged that the December 1981 imposition of martial law in Poland was directed by the Soviets, and that the Soviets have directly threatened military action against Poland, intimidated its leaders, and ordered basic human rights of the Polish people to be violated by the Polish Communist Party and Polish Army. Eugene V. Rostow, ACDA Director even went so far on NBC–TV on December 22, 1981, as to charge that the Soviets have violated the UN Charter by their aggressive actions in Poland. Other high Reagan Administration officials have also accused the Soviets of *violating* the 1975 Helsinki Accord by their suppression of the basic human rights of the Polish people.

e. Violation of the Litvinov Agreement.—In 1933, the U.S. recognized the government of the USSR following negotiations and an exchange of letters between Soviet Foreign Minister Litvinov and President Roosevelt. Litvinov stated in a letter to President Roosevelt of November 16, 1933:

> It will be the fixed policy of the *Government* of the Union of the Soviet Socialist Republics * * * not to permit the formation or residence *on its territory* of any group or organization which has an aim (of) the overthrow or the preparation for the overthrow of, or the bringing about by force, of a change in the political or social order of the whole or any part of the United States, its territories or possessions. (Emphasis added).

However, Foreign Minister Litvinov's solemn pledge produced no effect whatever upon the activities of the Comintern, which continued to carry out its role as the organizer and directing center of the World Communist movement from its Moscow headquarters. The purpose of the Comintern, clearly defined in its statutes and theses, was "the struggle by all available means, including armed forces, for the overthrow of the international bourgeoisie and the creation of an international Soviet Republic." Thus the Comintern, located in Moscow with the permission and aid of the Soviet government, was explicitly committed to overthrowing the U.S. government by force. Evidence of systematic violation of the Litvinov agreements after 1945 was brought to light by convictions under the U.S. Alien Registration Act of 1940, which made it a criminal offense "to organize or help to organize any society, group, or assembly of persons who, teach, advocate, or encourage the overthrow or destruction of any government in the U.S. by force or violence." The trial and conviction in 1949 in a U.S. Federal Court in New York of 11 communist leaders, revealed that American Communist Party, acting upon orders of the USSR issued by Dmitri Manuilsky, (Comintern Leader and in 1949 Foreign Minister of the Ukrainian Soviet Socialist Republic and therefore an official member of the Soviet Government), had returned to a policy of violent revolution.

Despite continuous Soviet violation of the very agreements establishing U.S.-Soviet relations, the United States still seems to believe that the USSR is a nation capable of normal adherence to international law. Soviet propaganda, covert action, subversion, and espionage inside the United States has increased markedly over the last decade.

According to a new book by James L. Tyson, "Target America: The Influence of Communist Propaganda on U.S. Media," there are at least 4,000 active Soviet propaganda agents within the United States, spending over 240 million dollars a year on Soviet propaganda inside the United States. The Soviet activity is a blatant violation of the Litvinov Agreement, and in itself should make the USSR unfit to negotiate with on SALT.

f. Figure 8 reflects a number of other Soviet treaty violations. It is extracted from an official U.S. Government book entitled "Soviet Treaty Violations," Department of Defense, November 5, 1962.

FIGURE 8.—HISTORY OF MAJOR SOVIET TREATY VIOLATIONS

The agreement: May 7, 1920. Soviet regime signs treaty with independent Georgian republic, pledging no interference in Georgia's internal affairs.

The result: February 1–12, 1921. Soviet troops invade Georgia, in step leading to absorption of Republic into USSR.

March 16, 1921. In trade agreement with Britain, Soviet Union pledges not to engage in propaganda in that country.

May 26, 1927. Britain ends agreement because of Soviet violations, including failure to stop propaganda as promised.

June 5, 1922. Soviet Union concludes friendship agreement with Czechoslovakia.

June 29, 1945. USSR compels Czechoslovakia to cede Carpatho-Ukraine to the Soviet Union.

December 12, 1943. USSR and Czech government-in-exile sign treaty of friendship and mutual assistance.

February 25, 1948. Czechoslovak government forced to accept communist ultimatum, as USSR completes arrangements to force it into its satellite empire. Ultimatum compels appointment of a cabinet of Moscow followers and climaxes Soviet postwar drive to absorb once-independent Czechoslovakia.

December 17, 1925. USSR signs non-aggression and neutrality pact with Turkey.

March 20, 1945. USSR denounces this pact, begins campaign to secure control of Black Sea straits.

August 31, 1926. USSR concludes non-aggression pact with Afghanistan.

June 14, 1946. USSR forces Afghanistan to cede border territory of Kishka.

September 28, 1926. USSR makes non-aggression pact with Lithuania, later extending this agreement through 1945.

June 15, 1940. Soviet troops invade Lithuania.

August 3, 1940. Lithuania is annexed by Soviet Union.

September 27, 1928. Soviet Union adheres to Kellog-Briand pact for renunciation of war.

By 1939. USSR violates this pledge—40 invasions of Poland, Lithuania, Latvia, Estonia, Rumania, and Finland.

January 21, 1932. USSR agrees to non-aggression pact with Finland.

November 20, 1939. Soviet military forces invade Finland.

February 5, 1932. Soviet Union signs non-aggression pact with Latvia.

August 5, 1940. Latvia is forcibly incorporated into the USSR.

May 4, 1932. Soviet Union pledges non-aggression in agreement with Estonia.

June 16, 1940. Soviet military forces invade and occupy Estonia.

August 6, 1940. Estonia is annexed by USSR.

July 25, 1932. Soviet Union signs non-aggression pact with Poland.

September 17, 1939. Soviet troops invade Poland.

May 4, 1934. USSR–Poland extend non-aggression pact for 10 years.

September 29, 1939. USSR signs agreement with Nazi Germany to partition Poland.

June 9, 1934. USSR recognizes Rumania, guarantees its sovereignty.

June 27, 1940. Soviet army invades Rumanian provinces of Bessarabia and North Bukovina. Soviet occupation of these areas completed in four days.

September 15, 1934. USSR enters League of Nations pledging thereby "the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another."

August 23, 1939. USSR makes treaty with Nazi Germany, termed "a joint conspiracy to deprive Poland, Estonia, Latvia, Lithuania, Finland, and Rumania of their independence and territory integrity."

August 21, 1937. Soviet Union signs non-aggression pact with Republic of China.

October 2, 1949. USSR breaks relations with ROC after recognizing Communist Chinese regime it helped to gain power.

July 30. 1941. USSR concludes agreement with Polish government-in-exile pledging mutual aid and cooperation.

April 25, 1943. USSR breaks relations with Polish government-in-exile on pretext of Polish request for Red Cross investigation of Katyn Forest massacre.

August 14, 1945. USSR enters into treaty with Republic of China, containing these pledges, "each high contracting party undertakes not to conclude any alliance and not to take any part in any coalition directed against the other high contracting party. The treaty comes into force immediately and shall remain in force for a term of 30 years."

February 14, 1950. These pledges were broken when the USSR made a new agreement with Communist Chinese regime it had helped create. Soviets did not even bother to change the basic wording. The new treaty also pledged: "Both high contracting parties undertake not to conclude any alliance against the other high contracting party and not to take part in any coalition or actions or measures directed against the other high contracting party. . . . The present treaty will be valid for 30 years."

March 10, 1947. Council of Foreign Ministers, meeting in Moscow, agrees that all German prisoners of war should be repatriated by December 31, 1948.

August 3, 1955. Soviet regime furnishes West German Red Cross with data on the health and whereabouts of only 20 of the approximately 14,000 Germans known to be still held in the USSR.

May 4 & June 30, 1949. Four Power Agreements of New York and Paris guarantee U.S., British, French, and Soviet joint control of Berlin, all access routes to and from the city and freedom of movement within the city.

September 20, 1955. USSR unilaterally transfers Soviet control over all access routes to and from Berlin to East German regime.

August 13, 1961. Construction of Berlin Wall completely prohibits free passage from Soviet sector to the Western sectors.

July 27, 1953. Military armistice established between U.N. Command and opposing communist forces assisted by USSR, China & North Korea. Armistice agreement pledges signers to "cease introduction into Korea of reinforcing military personnel."

July 11, 1955. U.N. Command details long list of armistice violations by Communist parties.

May 6, 1957. U.N. Command, in another of series of official complaints, charges that Communists have sent troops into Korea's demilitarized zones six times in a period of less than four months.

January 14, 1956. USSR signs agreement with Yugoslavia, pledging $110,000,000 in credits for industrial construction.

August 4, 1956. USSR pledges an additional grant of $175,000,000, bringing total to $285,000,000.

May 28, 1958. Yugoslav sources disclose USSR has postponed for 5 years the grant to Yugoslavia amounting to $285,000,000. This represented an attempt to retaliate against Yugoslavia for its refusal to accept the CPSU's ideological leadership.

September 24, 1941. USSR pledges adherence to Atlantic Charter, which provides that agreeing countries seek no aggrandizement, that the countries desire no territorial changes not made in accord with freely expressed wishes of the people concerned, and that they respect the right of all peoples to choose their own form of government.

Against these promises stands the USSR's record of occupation and domination of Rumania, Estonia, Latvia, Lithuania, Czechoslovakia, Tannu Tuva, Afghanistan territory, Hungary, East Germany, Albania, Bulgaria, Poland, North Korea, Mongolia.

January 29, 1942. USSR, with Iran and Britain, signs treaty of alliance, providing for military use of Iranian territory only until end of military operations against Germany.

Soviet Union refused to withdraw its troops from Iran at the end of World War II.

February 4–11, 1945. At Yalta Conference, USSR agrees on various postwar measures, including adoption of a resolution that the liberated peoples of Europe should have the opportunity to solve their economic problems by democratic means.

East Germany, Hungary, and Czechoslovakia, and other countries which were forced into postwar roles as satellites of the Soviet Union.

February 11, 1945. USSR, at Yalta conference, agrees to declaration that Polish provisional government "shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot.

January 5, 1947. Soviet Union refuses to participate in meeting with Britain and U.S. to secure compliance with the 1945 agreement pledging free elections in Poland.

January 19, 1947. Communist-controlled fraudulent election carried out under conditions of Soviet military occupation.

April 11, 1945. USSR signs 20-year treaty of friendship, mutual aid, and cooperation with Yugoslavia.

September 29, 1949. Soviet Union denounces this agreement.

June 14–18, 1945. President Truman and Premier Stalin agree, in an exchange of letters to "free access by air, road, and rail from Frankfort and Bremen to Berlin for United States forces."

April 1, 1948–May 12, 1949. USSR imposes the Berlin Blockade by severing all land and water routes between Berlin and West Germany. Western allies supply Berlin by airlift.

March 1962. USSR harasses flights by allied airplanes between Berlin and West Germany.

July 17–August 2, 1945. At Potsdam conference, USSR agrees that there should be uniform treatment of the German people throughout Germany. East Germany today continues to be a rigidly controlled Soviet satellite. Its people have been denied free elections, isolated from the people of West Germany, and victimized by the same kind of regimentation, police rule, and economic restrictions imposed on the peoples of all the Soviet Bloc states in Europe.

October 19, 1956. USSR–Japanese Joint Declaration pledges the Soviet Union to refrain from interference in Japan's internal affairs.

1958. During the weeks preceding Japanese elections of May 22, Soviet radio beams propaganda at Japan violently opposing the reelection of Premier Kishi's government.

1959–1960. USSR threatens Japan with the possibility of nuclear war if Japan ratifies United States-Japan Security treaty, signed January 19, 1960.

Soviet noncompliance with treaties is now indisputable, as is the record of Soviet forgeries, deceptions, and disinformation ploys. How can the U.S. continue arms control negotiations with so unreliable a nation as the Soviet Union? Arms control treaties in any case can not be relied upon to keep the peace. Only adeqaute U.S. military forces will do that.

But as bad as Soviet treaty noncompliance actions have been, we also can not ignore Soviet words. As noted, Stalin said in 1913:

> Words have no relation to actions—otherwise what kind of diplomacy it it? Words are one thing, actions another. Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or wooden iron.

V.I. Lenin stated:

> Promises are like pie crusts, made to be broken.

The chief enemy of arms control is Marxism-Leninism. The Soviets are indeed waging ideological warfare through arms control negotiations. As Lenin also stated:

> Every peace program (i.e., such as a nuclear weapons freeze) is a deception of the people and a piece of hypocrisy, unless the principal object is to explain to the masses the need for a revolution.

As Laurence Beilenson concluded in his famous and authoritative book, "The Treaty Trap":

> The pattern of evidence (i.e. in modern history) is that treaties of disarmament have been broken by powerful nations . . . the central pattern is habitual unreliability in performance and recurring treaty reliance . . . (Treaties have) been only a formal recording of the then respective strengths of the parties making it, and (have) lasted only by reason of the continuence of such relative strengths, irrespective of the treaty.

As president John F. Kennedy stated on March 2, 1963 in regard to the Limited Test Ban Treaty then under negotiation with the Soviets:

> We know enough about broken negotiations, secret preparations, and the advantages gained * * * never to offer again an uninspected moratorium.

President Kennedy's admonition is probably the best approach to currently popular notions proposing an unverifiable U.S.-Soviet nuclear "freeze," or de facto ratification of the unverifiable SALT II Treaty.

V. FATAL FLAWS OF SALT II

Many expert analyses of SALT II have identified the following 10 "fatal flaws" of the Treaty:

The longstanding Soviet monopoly in heavy and very heavy ICBMs codified in the Treaty, including both the heavy SS–19 and the very heavy SS–18 ICBM.

The allowed growth under SALT II of the already overwhelming Soviet counterforce threat.

SALT II's failure to limit stockpiled Soviet missiles capable of rapid refire.

Exclusion from SALT II of the intercontinental Soviet backfire bomber.

SALT II's constraints on US ICBM survivability options, such as mobility and multiple aim points.

SALT II's unequal constraints on U.S. theater nuclear deployment options.

SALT II's failure to define a heavy ICBM and to achieve agreed baseline data on missile characteristics.

The failure to count under SALT II the mobile SS–20 IRBM, indistinguishable from and convertible into the mobile SS–16 ICBM, as an ICBM.

SALT II's failure to constrain Soviet test and training ICBM launchers, in which they have a huge advantage.

The unverifiability of many SALT II constraints. The United States can not verify the "new type" ICBM provisions, the range of cruise missiles, the upgrade of Backfire, Soviet ICBM warhead fractionation, rapid reload and refire capability, and stockpiled missiles.

Soviet spokesmen now are openly admitting that the U.S.S.R. has exploited the 1969–1980 decade of detente and SALT to mislead the West into complacency, while using the Western credits, trade, technology and grain derived from detente to pursue a relentless strategic buildup. Many top American leaders have also publicly conceded that Kremlin oligarchs deceived them in Moscow in 1972 on all the key issues of the SALT I agreements. Since as early as 1971, Moscow has been steadily outpacing America in the accumulation of military power, despite SALT negotiations. It is clear that an historic shift in the balance of military power occurred during the 1970s, the decade of detente and SALT, and the shift continues.

Far more significant even than the fatally flawed provisions of SALT II are the harmful effects of the Treaty and the SALT negotiating process upon the sound planning of U.S. strategic forces. SALT II has severely damaged American security.

Due to the SALT II negotiating process and to Carter Administration unilateral strategic cutbacks, the United States has forfeited well over 6,000 strategic nuclear warheads previously planned by the Ford Administration, and Carter has also cutback *710* strategic delivery vehicles.

In contrast, the Soviets already have over *1800* more strategic delivery vehicles than the United States, and have been adding over 1,000 new strategic warheads each year since 1974, an increase of over 6,000. They have already exceeded the United States in our previously last remaining advantage, number of warheads. Further, they will be able to legally add over *6,000 more* warheads to their forces by 1985 to achieve superiority even in warheads.

Before 1985, fully within the terms of SALT II, the Soviets can legally increase their already dangerous strategic counterforce capability and their strategic superiority. They can have over 14,500 mostly large counterforce warheads, compared to the preesntly planned U.S. total of only 11,900 mostly vulnerable small warheads. They will also have succeeded in excluding from SALT II second-line strategic forces *far more numerous* than their first-line forces, about 3,000 strategic delivery vehicles (some with multiple warheads) *unaccountable* in SALT II and unmatched by the United States.

Soviet public statements indicate clearly that they believe that the world balance of power (the "correlation of forces") shifted decisively in Soviet favor as early as 1971, a whole year before SALT I was signed.

In early 1979, the U.S. Joint Chiefs of Staff finally conceded ominously that the strategic nuclear balance had long ago shifted against America, because of the unrelenting Soviet strategic buildup after SALT I. Because of President Carter's cutbacks and delays in all our strategic programs, the JCS also warned that the strategic balance could not be improved by our delayed MX, ALCM and Trident strategic modernization programs until the mid-1980s.

In February 1980, General Ellis, Commander of the Strategic Air Command, finally echoed the ominous JCS warning with an even more grim revelation. Ellis testified to the Senate that since 1977 we have lost strategic "essential equivalence" to the Soviet Union. But essential equivalence itself has long been recognized by most experts as a euphemism for the American strategic inferiority that has existed through the last 8 years under SALT I. So General Ellis, too, was conceding long-standing American military inferiority to the Soviets.

In January 1980, the JCS predicted more soberly that we will not be able to restore strategic parity until the late 1980s. More pessimistically, General Ellis believes that parity cannot be restored by as late as 1990, even after our planned MX, ALCM and Trident modernization programs are fully deployed.

American strategic inferiority thus has long been an unfortunate reality. It manifests itself in several forms, one of which is vulnerability.

Both the U.S. SALT I unilateral statement of May 9, 1972 and the Jackson Amendment to SALT I made it clear that enhancing the survivability of U.S. strategic forces was to be the fundamental, paramount U.S. goal in seeking a SALT II Treaty. As Senator Jackson precisely stated in regard to SALT I: "The intent of the (SALT I) agreements is to enhance our security by enhancing the survivability of our deterrent." Yet SALT I has allowed U.S. strategic vulnerability to become unprecedented. SALT II has again failed to solve the problem of maintaining survivable U.S. strategic forces.

Beyond American numerical inferiority, Soviet strategic forces of 1980 have already opened a "window of vulnerability" on all U.S. strategic forces, and this window will gape open all the wider throughout SALT II. The SALT process itself has contributed to U.S. strategic vulnerability by offering the false promise that somehow the Soviets would agree to limit their threat to American land-based missiles. Meanwhile, while vainly hoping that the SALT process would solve our ICBM vulnerability problem by encouraging Soviet restraint, we failed to unilaterally solve our own problem through either mobility, active defense, or proliferation of aim points. Now the adverse strategic and military trends against us are unmistakable, and will surely make the 1980s a perilous decade for Americans. The "window of vulnerability" once again leaves America open to Soviet nuclear blackmail, as in the period of Khrushchev's rocket rattling in the 1950s and early 1960s.

A. Analysis of the Ten Fatal Flaws of SALT II

There are at least 10 flaws in SALT II, each of which by itself was fatal to the Treaty's ratification. Each fatal flaw will be analyzed and explained in sequence in order of its importance.

The most serious flaw allows the Soviets to neutralize the credibility of the entire U.S. strategic deterrent posture by merely continuing to build the capability for threatening to destroy most U.S. strategic forces in a counterforce first strike. It also entails failure to achieve the equal force levels, including throw-weight, called for by the Jackson Amendment to SALT I.

First, SALT II preserves the existing gross inequalities favoring the U.S.S.R. in both "very heavy" and "heavy" intercontinental ballistic missiles (ICBMs), as measured by their throw-weight (or payload). By exploiting MIRV (multiple, independently targetable reentry vehicles) technology and equalling the United States in accuracy, the Soviets have dangerously translated their huge throw-weight advantage into massive counterforce capability for threatening the complete destruction of all our land-based missiles, bombers, and in-port submarines in a first strike.

SALT I already granted the Soviets superiority in number of missiles and throw-weight since 1972. SALT I also legally allowed the Soviets a monopoly in very heavy missiles. But the Soviets are granted the same exclusive right to have very heavy SS–18 ICBMs again under SALT II lasting through 1985. In SALT II the United States is again forbidden to have any very heavy ICBMs whatsoever. The Soviets thus have a permanent monopoly on very heavy ICBMs. We have thus conceded for the second time in eight years the principle that we can be legally inferior to our most dangerous adversary in a decisively significant military capability.

The Soviets will also have a de facto monopoly on heavy SS–19 sized ICBMs until 1986, throughout SALT II. These U.S. concessions are already being perceived world-wide as continued U.S. acquiescence in Soviet strategic superiority.

The Soviet SS–18 force of super missiles alone, all by itself, carries more megatonnage or explosive power than the combined total of all U.S. land- and sea-based ballistic missiles. This is a measure of the enormous military significance, and therefore the geopolitical weight, of granting a monopoly on SS–18s to the Soviets.

The Soviet SS–19 force of heavy ICBMs is almost equally formidable. The SS–19 force too can destroy most U.S. strategic forces in a first strike all by itself.

It should be no comfort to Americans that under SALT II the Soviets now have two, independent, first strike forces, one composed of 308 SS–18s, and another made up of about 400 SS–19s. Thus the Soviet monopoly on very heavy SS–18 super missiles, together with their nearly as lethal monopoly on heavy SS–19 missiles, will neutralize the deterrent effect of U.S. strategic forces. These combined forces are simply a measure of the gravity of the Soviet threat endangering strategic stability. But the Carter Administration argued incredibly that since the SS–19 force is almost as deadly as the SS–18 force, we somehow need not worry about either.

The Carter Administration also argued that the Soviet heavy ICBM monopoly does not matter, because the U.S. military has never desired to have heavy ICBMs. This argument is incorrect for four reasons. First, heavy ICBMs are in fact militarily useful, because they can be used to threaten the other side's military forces. Second, from 1960 through 1963, the U.S. Air Force planned to deploy 250 Titan I and Titan II heavy ICBMs. This is a militarily significant number. But a civilian, Defense Secretary McNamra, cut these plans back to only 54 Titan IIs. Third, as late as 1970, even Dr. Henry Kissinger wanted to maintain the right for the United States to have 250 heavy ICBMs in the SALT I agreement then under negotiation. Of course, Kissinger later conceded on this point in May 1972 and the Russians were allowed over 300 heavy ICBMs in SALT I to none for the United States. Finally, the U.S. MX ICBM was designed in 1973 by the Air Force to be a very heavy throw-weight ICBM. All these facts contradict the Carter Administration claim that the U.S. military has never wanted heavy ICBMs.

These unpleasant facts mean that our strategic forces are now being "checkmated." Aggressive Soviet behavior all around the world demonstrates that our deterrent forces are already in the process of being neutralized politically and this will increasingly erode deterrence at intercontinental, theatre nuclear, and conventional levels. Our nuclear umbrella intended for extended deterrence, vital to the security of NATO, our allies in the Middle East, and Japan, is steadily losing credibility. Even Dr. Kissinger himself has recently conceded the geopolitical significance of Soviet counterforce superiority.

In effect, within the terms of SALT II, we are allowing the Soviets to build with impunity precisely the numbers and types of strategic weapons which will enable them to completely defeat our entire deterrent strategy. Thus, the Soviets can threaten nuclear blackmail in order to further their aggressive aims.

As if the existing Soviet SS–18 and SS–19 heavy ICBM forces were not bad enough, the second and even more dangerous fatal flaw of SALT II also deals with counterforce. SALT II allows the already overwhelming Soviet ICBM counterforce threat to grow even further. This counterforce growth is permitted by several loopholes in SALT II's provisions.

The Soviets can reasonably be expected to maximize their warhead capabilities by legally putting ten multiple, independently targetable re-entry vehicle (MIRV) warheads on each of their allowed 820 SS-18, SS-19, and SS-17 MIRVed ICBMs—giving them an allowed total of 8,200 highly accurate counterforce warheads. The Soviets can thus upgrade their heavy SS-19 force from six to ten MIRVs each, and their SS-17 force from four to ten MIRVs each.

Moreover, there is no agreement in the Treaty on the specific launch-weight and throw-weight data necessary to define a heavy ICBM, thereby allowing Soviet deployment of many more heavy ICBMs. (This point will be addressed in more detail below.)

Further "new type" Soviet ICBMs are not really limited. Despite the lessons of SALT I, there is also no agreement on the specific missile qualitative characteristic baseline data necessary to measure and verify the allowed increases in missile throw-weight, launch-weight, and volume, and also, silo volume. The SALT II constraints on "new type" ICBMs are too imprecise to be meaningful. These loopholes, together with the allowed encryption (or encoding) of Soviet missile telemetry signals, make it clear that there are no effective constraints on "new type" Soviet missiles. Thus, with one of their new missiles already legally exempted, the Soviets will be able to legitimately deploy all five of their new missiles known to be under development.

This "new type" deployment will provide even greater counterforce capabilities than the existing SS-18 and SS-19 forces, which are already devastating. Despite Carter Administration claims that the factionation (MIRVing) limits of SALT II comprise effective constraints, the Soviets will be able to greatly increase their ICBM warhead number under SALT II. They can add over 6,000 ICBM warheads legally under SALT II, which cannot be construed as restraint.

The third fatal flaw deals with the famous Backfire bomber. The intercontinental-ranged, refuelable Soviet Backfire bomber is not counted in the Soviet strategic delivery vehicle aggregate of 2250. But all U.S. intelligence agencies agree that Backfire has the unrefueled range to strike all of the United States on a one-way mission. Range is the key criterion for SALT purposes. Indeed, the Backfire has better range than the oldest variants of the U.S. B-52 and all Soviet Bison bombers, which are counted.

Range is the most important SALT criterion for bombers because all U.S. B-52 bombers are programmed for one-way (or range) missions against the U.S.S.R. Thus, Backfire's one-way mission, intercontinental range capability, should cause it to count in SALT II like all U.S. B-52s, which also have one-way, range missions.

But Backfire also has refueling capability and sufficient tankers are available for it. With refueling and Arctic basing, Backfire can even strike the United States and return to the U.S.S.R. on a round trip radius mission, which gives it better capabilities than most U.S. bombers.

Further, the upgrade of Backfire's already intercontinental range capabilities is totally unverifiable. The Soviets have spurned all of our attempts to limit Backfire range upgrade, and also constraints on basing and operations.

Additionally, even 220 unflyable, mothballed U.S. B-52s count in SALT II, but all 400 eventual Backfires, 220 Soviet bomber variants (and 1300 Soviet stockpiled missiles) do not count. These Soviet exemptions are totally inequitable.

Finally, due largely to Soviet insistence on excluding Backfire, there is no clear, equitable definition of a heavy bomber in SALT II. But there are three additional "new type" Soviet heavy bombers already known to be under development, whose status, under SALT II, is recklessly left unclear. The status of these new Soviet bombers will require further negotiation in the Standing Consultative Commission for determination of whether or not they count. But our negotiating leverage will be greatly weakened by the precedent of Backfire's exclusion.

To add insult to injury, the Soviets have falsely told us that they will not give Backfire an intercontinental or refueling capability, but we know it already has both. Such blatant falsifications are clear indications of Soviet duplicity.

The strategic significance of not counting Backfire in SALT II is that this force alone can deliver about 30 percent of the present huge Soviet megatonnage advantage, making Backfire a formidable second strike force. This inequity is compounded by the fact that the United States has no effective air defenses against Backfire. Hence all Soviet bombers would have a "free ride" against the United States.

The fourth flaw, which also will be analyzed in more detail below, relates to how SALT II hinders solution of our prime strategic problem. SALT II constrains all U.S. options to make our land-based missiles survivable. Such options as the "shell game" or "dense pack" multiple protective structure (MPS) deceptive basing mode, or truck mobility for our ICBMs are either temporarily or permanently precluded, despite the allowed growth of the already alarming Soviet counterforce threat. SALT II bans both additional fixed ICBM launchers or their relocation, and also mobile ICBMs. These restrictions are due to the Treaty's too restrictive definition of what constitutes a fixed ICBM launcher, combined with the constraints on mobile ICBM deployment in the Protocol. The U.S. conceptual designs for the canisterized MX missile do not sufficiently distinguish the moveable canister from its fixed, multiple protective structure. The MX is either a mobile ICBM, in which case the Protocol bans its deployment, or it is launched from multiple fixed positions, in which case the additional or relocated fixed positions are banned.

Further, Soviet leaders have already given us an arrogant ultimatum that the new U.S. MX ICBM is unverifiable and inconsistent with SALT II deployed in any basing mode. Despite their arrogance, the Soviet interpretation of SALT II is reasonable. Moreover the Soviets have already challenged our MX even though MX will not be deployed until 1989, well after the Treaty expires. These SALT II constraints on U.S. ICBM options are destabilizing, especially in view of the allowed growth in Soviet counterforce capability.

The fifth fatal flaw also relates to unequal constraints on U.S. options, and this too will be treated in more detail below. The SALT II Protocol contains unequal constraints on new U.S. long-range weapons for the NATO theater. U.S. ground- and sea-launched, long-range cruise missiles—GLCMs and SLCMs—now under development are constrained and cannot be deployed until after 1981. But a huge Soviet buildup in SS-20 intermediate range ballistic missiles, and other medium- and short-range theater nuclear missiles and fighter-bombers, is totally unconstrained.

This massive Soviet theater strategic buildup against Europe began years ago and is still ongoing. There is no end of the Soviet buildup in sight. It is inequitable for U.S. theater deployment options to be constrained, but not comparable ongoing Soviet deployment programs. Moreover, these constraints on U.S. cruise missiles are still negotiable in the proposed SALT III negotiations, and could well establish a permanent precedent, particularly in light of the fact that ratification of SALT II would put the United States in a grossly inferior position from which to bargain in all future arms control negotiations.

Sixth, it is significant that SALT II limits only launchers, but not missiles or nuclear warheads themselves. The Treaty fails to control the production of all types of missiles and their warheads. Further, the stockpiling of missiles is not banned. Hence stockpiled missiles and extra warheads are fully legal and could easily be used for refire. Moreover, rapid reload and rapid refire capabilities are inadequately defined and constrained. The recent Soviet testing of a rapid reload and rapid refire capability with their SS–18 reported Aviation Week (22 September 1980, p. 14) is not only a clearcut violation of the terms of SALT II, but it also illustrates well the danger of the huge Soviet missile stockpile (over 1300 ICBMs) allowed under SALT II. Moreover, even counting only launchers, the United States faces a huge disadvantage under SALT II. The Soviets have 785 more launchers now.

Seventh, there is still no definition of a heavy ICBM in SALT II. The most surprising and significant fatal flaw in SALT II is the continued Soviet refusal to agree to a definition of a heavy ICBM. This is a loophole of major proportion. Soviet refusal to agree to specific, precise provisions indicates that they are protecting dangerous new heavy ICBM programs. It is ironic that this failure to define a heavy ICBM is also widely recognized as the single most significant flaw of SALT I in 1972 and again of SALT II through Vladivostok in 1974. This SALT II failure to define a heavy ICBM is especially dangerous because it means that other "new type" Soviet ICBMs could be even larger and more deadly than their famous heavy SS–19. The Soviets could also increase the size of the SS–18 follow-on, and because there are no agreed SS–18 baselines, the burden would be on the U.S. to prove violations.

The Carter Administration claimed that a U.S. unilateral statement not contradicted by the Soviets is somehow agreed. This is precisely the status of the heavy ICBM definition in SALT II. The United States on August 16, 1977 unilaterally provided U.S. data on the launch-weight and throw-weight of the Soviet SS–19 ICBM in an attempt to define the parameters of a U.S. heavy ICBM. This was also an attempt to define a heavy ICBM for both sides. The Soviets, however, did not agree. They did not even respond. The Carter Administration evidently believed that this is another strange case in which Soviet "non-contradiction" constitutes agreement, because despite the facts the Administration nevertheless claimed that there is a "clear, agreed" definition of heavy ICBMs. But this non-agreed heavy ICBM definition must be deemed even weaker than the more explicit and positive U.S. SALT I unilateral heavy ICBM definition of 1972. In 1972, we at least told the Soviets that we would regard any new ICBM significantly larger than their SS–11 to be a violation of SALT I. We have said nothing similarly positive in SALT II. No good corporate lawyer negotiates key aspects of any commercial contract on this kind of "assent by silence" basis. It is obvious that Soviet silence can always be broken with impunity with grave consequences for the United States. Moreover, the Soviets have already told us repeatedly that they would not be bound by U.S. unilateral statements, emphasizing the unreality and danger of U.S. trust in the strange diplomatic device of "non-contradiction."

Eighth, about 250 mobile Soviet SS–20 intermediate range missile launchers are capable of launching intercontinental missiles, and they have reportedly launched mobile SS–16 ICBMs. The provisions of the Treaty state clearly that any launcher which has launched an ICBM is defined as an ICBM launcher. These Soviet mobile SS–20 launchers therefore explicitly should count. But inexplicably, none of the 250 SS–20 mobile launchers count, although they are capable of being quickly loaded with stockpiled SS–16 ICBMs and then launching them. And a large number—about 100—of SS–16 mobile ICBMs are known to have been already produced and stockpiled, making them readily available for rapid launch by SS–20 launchers.

Ninth, the Soviets are allowed to preserve and even increase their already huge advantage in so-called "test and training" missile launchers which do not count, even though these launchers are known to be part of their operational missile force. For example, the Soviets maintained 18 SS–9 Fractional Orbital launchers at a test range for years under SALT I, but these ICBMs did not count. The Soviets reportedly have over 100 test and training launchers which still do not count in SALT II, a significant number.

The tenth fatal flaw relates to the least important issue, verification. Like SALT I, SALT II fails to prevent the already massive, nationwide Soviet camouflage, concealment, and deception program from growing further, and from continuing to hinder U.S. intelligence monitoring and verification. This Soviet program reportedly grew in scope and scale under SALT I, despite the fact that it was deliberate and was, therefore, a violation. Soviet camouflage, concealment, and deception has clearly already hindered verification. The recent losses, compromises, funding reductions, and withholding in U.S. intelligence collection capabilities, coupled with the more difficult to monitor qualitative constraints of SALT II and the allowed encryption of Soviet telemetry, altogether make SALT II largely unverifiable. For example, we cannot verify the "new type" ICBM provisions, the range of cruise missiles, the upgrade of Backfire, Soviet ICBM fractionation, rapid reload and refire capability, stockpiled missiles, with anywhere near "adequate" confidence.

Any one of these ten fatal flaws in SALT II impairs U.S. national security, and each was cause enough for the Treaty to be voted down in the Senate. Combined, they clearly have made the Treaty unequal, unbalanced, destabilizing, largely unverifiable, and harmful to our NATO, Middle East, and Asian allies.

B. Salt II in balance

In sum, before 1985, the Soviets can easily achieve a warhead superiority of at least 14,500 to the U.S. planned total of 11,900 warheads, and surpass U.S. missile accuracy, full within the terms of the SALT

II Treaty. Again, they will have overwhelming throw-weight, megatonnage, and counterforce advantages. But the Soviets have excluded significant forces from SALT II. The Soviets can still keep 400 Backfire bombers, about 350 old submarine launched ballistic and cruise missiles, about 220 intercontinental bomber variants, over 100 ICBM test and training launchers, over 350 mobile ICBM launchers, over 1,300 stockpiled old ICBMs totally exempted. Moreover, the Soviets are free to continue to produce excess ICBMs at their three very active ICBM factories for additional stockpiling.

The Soviets thus actually will have exempted strategic forces more numerous than their first line forces which are counted in SALT II. They now have 2,850 delivery vehicles, compared to 1,732 for the United States. They are allowed 2,250 strategic delivery vehicles under SALT II, but they also will have about 2,720 second-line strategic delivery vehicles totally outside of SALT II. Many of these could also be MIRVed. So the Soviets really have up to 5,370 strategic delivery vehicles, compared to only 1,865 for the United States.

Thus the question of whether SALT II constrains the Soviets is moot and irrelevant. The Soviets already have superiority in all strategic measures. Moreover, the Soviets are already producing new strategic weapons on a mobilization, nearly wartime footing. There is strong evidence that they have already negotiated the terms of SALT II to fit their long-term force programming contained in their 1981–1985 five-year defense plan, and their force programming in any case provides them clearcut, overall superiority by 1985. We therefore do not need to worry about even more extreme Soviet threats which could exist in the absence of SALT II. The Soviet threat to the United States allowed within SALT II terms is already so dangerous as to jeopardize U.S. supreme national interests. This is one reason why the Senate Armed Services Committee report on SALT II of December 1979 stated without qualification that the Treaty was not in the national security interest of the United States.

C. SALT II codifies Soviet superiority

To sum up, SALT II's significant constraints on vital U.S. options and force levels alone made it intolerable. The facts that SALT II contains so many unilateral advantages for the Soviets, has so many ambiguities, loopholes, and exclusions, all favoring the Soviets, does not contain agreed qualitative missile baseline data, is largely unverifiable, does not constrain Soviet programs, and allows legal Soviet superiority by 1985, combine to make the Treaty anathema.

The fatal flaws of SALT II merely reflect and codify the shifting strategic balance. The strategic balance has already shifted against us long ago during the 1969–1979 SALT decade. Since 1969, the Soviets have added over 1,000 new operational missile launchers and over 250 Backfire bombers, while the United States has maintained a constant but lesser number of missile launchers and has deactivated over 250 B–52 bombers. The Soviets are now far ahead of us in missile launchers and bombers. By about 1981, the Soviets will also have added over 6,000 warheads, and will have overtaken the United States in warhead numbers and accuracy by 1985. Because most Soviet warheads are large and are on accurate ICBMs, they are much more lethal. Well before 1985, they will be ahead in all strategic measures. The shifting strategic balance makes SALT II unenforceable, even if it were verifiable, which it is not. The shifting balance also will reduce U.S. bargaining leverage in any SALT III negotiations.

This Soviet thrust to strategic superiority has been expensive. Since about 1969, the Soviets reportedly have also spent a total of over $100 billion more than the United States on strategic forces, a yearly investment rate of 250 percent more than the United States. The Soviets have spent over $250 billion more than the United States on defense since 1969. While the Soviets spend more than 16 percent of their much smaller Gross National Product on defense, the United States spends only 5 percent. Of this small fraction, the United States spends only a miniscule .005 percent of our GNP on strategic forces.

In sum, fully within the terms of both the SALT I and II agreements, the Soviets have managed first to quadruple and then even to quintuple their counterforce threat to U.S. ICBMs, while removing the best U.S. option to redress their counterforce threat—ABM defenses of ICBMs and mobile ICBMs. The SALT I agreements were not a good bargain. Resting upon this unsound foundation, the SALT II Treaty is likewise even more dangerous to us, because it allows the Soviets to continue building precisely the types and numbers of strategic weapons capable of completely defeating our deterrent strategy.

In May 1972, a significant U.S. unilateral statement said that a permanent offensive limitation treaty would have to be reached in five years, by 1977. We went on to say that if a severe threat to the survivability of our strategic forces developed in the meantime, this could constitute grounds for abrogation of both the SALT I agreements—the ABM Treaty and the Interim Agreement—on the basis of jeopardy to our supreme national interests. Moreover, the Jackson amendment to SALT I of 1972 called for equal force levels in SALT II. This meant equality in throwweight and heavy missiles in SALT II. The Jackson amendment re-emphasized that failure to constrain the Soviet threat to the survivability of our forces in SALT II would make such a treaty unacceptable.

SALT II clearly does not meet these fundamental U.S. SALT II objectives as established in 1972.

SALT II does not provide equality in either numbers of delivery vehicles, numbers of warheads, counterforce capability, heavy missiles, or in throwweight. SALT II does not help our survivability problem. Indeed, it allows the Soviet counterforce threat to grow and it hinders the solution of our vulnerability problem. SALT II has thus further jeopardized our supreme national interests. Therefore, SALT II must be rejected. Further, the SALT I ABM Treaty must be modified to allow mobile ABMs or be abrogated, and U.S. compliance with the SALT I Interim Agreement should be abandoned.

VI. START: ANOTHER SHAKE OF SALT

President Reagan has proposed a new acronym for strategic arms control, and a new United States negotiating position. Strategic Arms Limitation Talks (SALT) has now been officially changed to START–Strategic Arms Reduction Talks. President Reagan's START proposal has six features, which comprise Phase I of the negotiations. These features are as follows:

(1) START will seek limits on "deployed missiles" and warheads, rather than on just launchers, as in SALT;

(2) START will focus constraints principally upon ICBMs and SLBMs;

(3) Bombers will be limited separately, and there will be no limits on bomber weapons;

(4) ICBM and SLBM warheads will be limited to 5,000 total;

(5) There will be a sublimit of 2,500 ICBM warheads, which will severely constrain United States SLBM forces carrying high warhead loadings;

(6) The total number of "deployed missiles" will be limited to 850. This will have the combined effect of limiting the scope of the United States MX ICBM and Trident SLBM deployment.

In Phase II of START, which is still undefined and which will presumably begin after Phase I is consummated, the United States will seek reductions in ICBM throw-weight to levels below the current United States level.

The premises of START, therefore, need to be examind on a technical level:

A. Limits on "deployed missiles"

"Deployed missiles" as a unit of account has yet to be defined by the Administration. It appears that this unit of account will incorporate SALT II counting rules for warheads on missiles and type rules for missiles and launchers. The net result is likely to be the use of launcher limits as the unit of account. Administration officials have confirmed this in the May 9 background briefing on the START proposal. One of the "fatal flaws" of SALT II (and SALT I) was the use of launcher limits as the unit of account. It is clear that launcher limits have not limited Soviet missile capabilities. Launchers were inadequately and imprecisely defined in SALT I and II; many Soviet missiles are "cold-launched" permitting the rapid reload of missile silos; missiles can be launched without using silos; and the Soviets are known to have a large stockpile of missiles for reload and refire.

In addition, "deployed missiles" as a unit of account is an indirect limit on Soviet missile throw-weight. Soviet missle throw-weight should be limited directly and should be an objective for Phase I. Using warheads as a unit of account also presents major verification difficulties. United States estimates of Soviet warhead production and the Soviet warhead stockpile have large margins of uncertainty. It is not yet clear how the United States will try to address these issues in START.

B. Focus on ICBM's and SLBM's

The aggregate ceiling of 5,000 missile warheads and the sublimit of 2,500 ICBM warheads will not assure equal capabilities. Under these "equal ceilings," the Soviets will have advantages in ICBM throw-weight, megatonnage, prompt hard-target kill capability, and an inherent breakout potential for warheads. Relatively low yield U.S. SLBM warheads are lumped together with high yield Soviet ICBM warheads. U.S. SLBM warheads are not first-strike weapons; Soviet ICBM warheads are indeed first-strike weapons. The SALT II debate demonstrated the "numbers fallacy"—that equal numbers do not necessarily translate into equal capabilities. In addition, SALT II counting rules will be used in START. Such rules have inherent verification difficulties.

C. Foreclosure of single warhead option

The basic framework of START—a relatively high level of missile warheads (5,000) on a relatively low level of "deployed missiles" (850)—is the antithesis of stability. Like SALT II, START forces each side to deploy large numbers of MIRVed warheads on a few launchers. Each side is forced to deploy large missiles in order to deploy the permitted number of warheads. This factor creates an enormous first-strike bonus for the Soviet Union. One Soviet ICBM warhead can destroy 10 U.S. MX warheads. Such an exchange ratio creates instability.

Presently, the U.S. has 1,052 ICBM silos or aimpoints and the Soviets have approximately 6,000 ICBM warheads. The ratio of Soviet hard-target capable ICBM warheads to U.S. aimpoints is 5:1. Under START, the ratio could actually increase depending on how the U.S. deploys the MX missile. U.S. plans for MX deployment remain unclear but the Soviet's can be expected to press for strict limits on MX basing.

The option for deploying a small, single warhead ICBM has been foreclosed by the START proposal. The limit of 850 "deployed missiles" rules out an ICBM force of many small, single warhead missiles survivably based in a multiple shelter system. Such a system would do much in restoring stability.

D. 5,000 limit on ICBM's and SLBM's

The warhead limit does not distinguish between Soviet first-strike ICBM warheads and U.S. second-strike SLBM warheads. The differences in yield and accuracy are significant. There are also significant differences between U.S. ICBMs and SLBMs in terms of the role each plays in U.S. nuclear strategy. The limit of 5,000 warheads will force the U.S. to cut its seabased deterrent force drastically—today, the most survivable leg of the TRIAD. In a period of serious U.S. ICBM vulnerability continued delay and uncertainty on MX basing, and an increasingly vulnerable B–52 force, it is imprudent to place such limits on the SLBM force.

Without START, the U.S. SLBM force will increase to over 45 boats (from the present 32) by 1993. With START, it will be reduced to between 12 and 18 boats depending on U.S. force decisions. Even with a dyad of SLBMs and bombers, the U.S. could not maintain an adequate SLBM force under the Reagan Administration's START proposal.

E. Sublimit on ICBM's

The 5,000 missile warhead limit and the 2,500 ICBM warhead sublimit are peacetime levels. The key strategic relationship is not the number of peacetime U.S. warheads compared to the number of Soviet warheads; it is the number and type of surviving U.S. warheads vs. the number of Soviet targets to be attached. The Soviets have thousands more strategic targets than the U.S., many of them extremely hardened. It is not clear that U.S. targeting requirements were given sufficient analysis in the formulation of the START proposal. What is critical to deterrence is that sufficient U.S. strategic forces survive a well-executed Soviet first-strike and have the capability to destroy a range of Soviet targets. The ICBM force is central to U.S. nuclear strategy. It is the most flexible and accurate missile leg of the TRIAD.

Its command control and communications are the most secure. Yet without a survivable basing mode for the ICBM force, the U.S. will not be able to implement its nuclear targeting strategy. The doctrinal implications of the START proposal—increased reliance on slow air-breathing systems and reduced SLBM forces, have not been analyzed by the Administration.

F. Offensive versus defensive

The START proposal addresses strategic nuclear offensive forces. Soviet ABM capabilities have been ignored even though the Soviets have a significant ABM breakout potential. The second ABM Treaty review is scheduled for Fall 1982, but there has been no decision on either the forum for the review or the U.S. position. Originally, the U.S. attempted to link the levels of strategic offensive missile forces with the levels of ABM forces. During the SALT I negotiations, the U.S. abondoned this principle and agreed to link levels of U.S. ABM defenses with Soviet ABM defenses. However, the U.S. stated that if a follow-on agreement to the SALT I Interim Agreement on Offensive Arms was not negotiated within five years, U.S. supreme national interests could be jeopardized, constituting the grounds for withdrawal from the ABM Treaty.

The linkage between offense and defense was further broken by the enormous Soviet buildup during the 1970s and the failure of the U.S. to establish a strategically sound relationship between offense and defense. Unlike the U.S., the Soviets have continued to develop and deploy extensive strategic defenses—including air defenses (which have an inherent ABM capability and upgrade potential), as well as the basis for a nationwide ABM system. Given the Administration's proposed reductions in U.S. offensive missile capabilities, Soviet strategic defenses must be addressed because of their implications for deterrence and their role in Soviet strategy. Thus far, however, the Administration has not integrated the critical issue of strategic defense with START. In fact, the U.S. appears willing to accept equal numerical bomber limitations without any limitations on Soviet air defenses. Such an approach will contribute to an unequal START agreement.

G. Adverse impact of the process

The SALT II debate highlighted the adverse impact of the arms control process on U.S. national security. The promissory nature of SALT—that deficiencies in one agreement would be corrected by the next agreement—was also noted. As the critics of SALT II pointed out, SALT II was the next time around" as far as the defects of SALT I were concerned, and despite U.S. unilateral restraint and a deep commitment to the arms control process, the strategic balance continued to shift against the U.S. The SALT process contributed to the Soviet drive for strategic superiority.

The Reagan Administration's approach to the START negotiations is all too similar to previous commitments to the SALT process. The Administration is apparently planning to follow a phased approach to START. Adherence to a phased approach will trap the U.S. in another arms control process and the process will become more important than the specific terms of any agreement. Commitment to an arms control process leads to deferral of important issues. For example, the crucial issue of seeking equal levels of ballistic missile throw weight seems to have been put off until the "second phase" of START. As long as the U.S. is willing to defer critical issues, the Soviets have less incentive to negotiate equitable arms control agreements in the interest of the U.S. Deferral of such an issue makes the U.S. hostage to the arms control process. Rather than deferral of the throw weight issue, Soviet agreement to negotiate equal levels of ballistic missile throw weight should be seen as an indication of the Soviet Union's commitment to equitable and verifiable arms control.

The Administration's plan to phase issues in START also makes START hostage to U.S. domestic policies. This only gives the Soviets additional negotiating leverage and a propaganda opportunity to exploit.

H. Strategic force modernization

Also hostage to the START process are the Administration's strategic force modernization programs. In an effort to present itself as "fair"—caused by perceptions of domestic political considerations—the Administration has "put everything on the negotiating table." Such an approach will serve to fuel Congressional opposition to essential strategic programs and increase pressures to find "an arms control solution" to critical national security problems.

But the decade of SALT showed the futility of looking to arms control to solve such problems. Rather than using its strategic modernization program as an incentive for the Soviets to negotiate seriously, the Administration should emphasize that the strategic modernization program is essential to deterrence. This was the justification cited when the program was announced in October 1981. Using the program as a bargaining chip will only work against U.S. security interests.

Thus far, the Administration is playing into the hands of those who use the "arms control process" as a means to stop the U.S. from restoring the balance. Expectations for arms control must be kept in line with the realities—like SALT, it is unlikely that START will limit the Soviets in any meaningful way. START is more likely to hurt the U.S.

I. Verification

In SALT, the U.S. made critical concessions on verification issues. The Soviets can be expected to resist verification measures that are in the U.S. interest, arguing that they are not needed. In general terms, verifying the START proposal will be extremely difficult. difficult. How well the number of deployed missiles can be verified is in large measure dependent on details of the treaty. Similarly, the verifiability of the number of warheads on "deployed missiles" is greatly dependent on the agreement's language. With regard to Soviet refire and stockpiled missiles, numbers of warheads actually deployed (rather than determined by "counting rules"), stockpiled warheads, missile and warhead production rates cannot be predictably determined by national technical means, and "cooperative measures" have limited utility. As President Reagan said in his press conference of January 29, 1981, "There is no verification as to the number of warheads on the missile, no method for us to do this."

J. Subordination of defense to arms control

A decision to continued to abide by the terms of the SALT II Treaty would be conceptually and politically unsound. Conceptually the Administration claims it is seeking a new framework for START Continued adherence to the SALT II would undermine the Administration START proposal and will assure that START is a continuation of the SALT framework based on launchers. Adherence to SALT II also means that the U.S. would be prepared to accept a treaty that is unequal, unverifiable, and "not in the national security interest of the United States." Would not such action be seen by the Soviets to be a major retreat by Ronald Reagan? The Reagan Administration's arms control policy, like Carter's policy, must not subordinate U.S. defense requirements to arms control considerations. The subordination of national security policy in reaction to perceptions of public and allied concerns would be fundamentally indistinguishable from the Carter approach which made arms control the centerpiece of U.S.-Soviet relations.

Politically, adherence to SALT II would send a signal to the Soviets that the Reagan Administration, like previous Administrations has domestic political pressures it does not have the will to resist. Indeed, the fact that the Reagan Administration has neglected to withdraw the SALT II Treaty has provided the Soviets a propaganda bonanza.

In addition, the Administration has not confronted the Soviets on compliance with SALT II—most recently, evidence of Soviet deployment of the SS-16 ICBM in violation of SALT II.

K. Linkage with Soviet aggression

Finally, the Reagan Administration's willingness to resume strategic arms control negotiations in light of Soviet pressures on Poland, continued occupation of Afghanistan, clear violation of chemical and biological warfare arms control agreements, and increased support for proxy aggression throughout the world, demonstrates that the Administration has rejected the concept of linkage. Is arms control more important to the Administration than holding the Soviets accountable for their international behavior.

VII. THE NUCLEAR FREEZE DEBATE

The rapid development of popular political support in this country and Europe for a so-called mutual nuclear freeze has made a radical change in the terms of reference for discussions about arms control and disarmament. The Soviets are enjoying a handsome pay-off for their years of prodigious disinformation efforts, while the spectacle of a complete re-casting of the policy framework for nuclear arms control plays itself out in the United States.

Sustained efforts by numerous spokesmen will be needed to quell the populist impetus for nuclear freeze. Even then, the prognosis for success—for restitution of a political consensus which would sustain long-term maintenance of U.S. nuclear deterrent force programs—will remain decidedly uncertain.

Nuclear freeze threatens not only the so-called strategic force programs (Minuteman, Trident, bombers); but all nuclear weapons programs for every Service. To the vast relief of the entrenched lobby which advocates unilateral disarmament "initiatives" by the United States, the prior policy imperative that our country reach carefully negotiated, mutually ratified, and verifiable constraints has been pushed aside. The catchy phrase "nuclear freeze," despite disclaimers which cannot be taken seriously, is simplistic, unilateral, and aims toward a quick fix of what appeared in 1981 to be nuclear disarmament's terminal malaise. As a domestic U.S. political issue, it is made to order as a comeback for demoralized arms controls. As a stake aimed at the heart of all existing and planned U.S. nuclear deterrent capabilities, it is the deadliest threat since the total test ban drive of the early 1960s.

There is a widespread perception that an uninspected moratorium on testing, production, and deployment of nuclear weapons and delivery systems is a novel idea. But the United States' chemical weapons program went into a politically-inspired freeze in 1969, when research and development on binary weapons was completed. Congress had determined that it was time to stop the "race," and to negotiate a total elimination of offensive chemical weapons. A freeze (or "cut-off") of production of weapons-grade nuclear materials was first advocated in Eisenhower's day, was resuscitated for the United Nations Special Session on Disarmament in 1978, and has been proposed again by Senator Cranston. America has frozen nuclear test yields greater than 150 kilotons since 1976, even though the treaty embodying this restraint has been deemed unworthy of ratification even by many disarmament purists.

What is new about nuclear freeze is that never before have individuals in positions of responsibility in our government, those campaigning for such positions, and the national news media opinion leaders, been willing to advocate a course of disarmament so lacking in all aspects of verification. Even when Dr. Harold Brown, as Secretary of Defense, was cynically arguing in public that the United States could verify SALT and a total test ban treaty, the need for verifiability was accepted as a fig leaf to cloak the true unilateralist impulses of top government policy-makers such as Cyrus Vance and Dr. Harold York, and purist anti-nuclear lobbies such as the Arms Control Association. The extremism of today's nuclear freeze policy advocates is rationalized on the basis of the "overkill" doctrine, which apparently gained credence among voters as a result of NATO's theater nuclear force modernization decision of 1979.

Thus, the "nuclear freeze" of 1982 is not at all new. It is only the newest manifestation of the long-sought "holy grail" of true disarmers— the total (or "comprehensive") test ban. Sadly, the approach to arms control and disarmament represented by nuclear freeze—so lacking in credibility for so long—now appears to be palatable to a vast and growing throng of newly aroused political opponents of nuclear weapons.

Several causal factors underly the newly discovered credibility of nuclear freeze.

A combination of circumstances is serving to whip-up popular support for such a doubtful proposition.

Liberal opponents of U.S. nuclear force programs are quick to blame Ronald Reagan's anti-Soviet rhetoric and the "provocative" NATO Plan to modernize its theatre nuclear forces with PII and GLCMs.

More cogent casual factors are the broad publicity accorded to the rejuvenated campaign by the Physicians for Social Responsibility to portray the effects of nuclear war (with strong support from the Federal Government's ACDA), Ground Zero Week, and the national campaign for a nuclear freeze initiative on the 1982 California ballot.

Just as President Reagan has changed the terms of reference for the Federal budget debate, nuclear freeze has succeeded already in changing the terms of reference for arms control discussions.

Television's consistertly unbalanced coverage of nuclear weapons-related issues is certainly a definite causal factor in changing American popular attitudes. Sadly, it must be said that our networks provide an effective vehicle for transporting the unremitting flow of extremely harsh, vituperative anti-American slander promulgated as official policy of the Russian government. Since it kicked off the anti-neutron bomb campaign in 1977, effective Soviet propaganda directed against America's modest defense efforts has become a staple of the network TV news.

But, ominously, the stampede of popular opinion toward the nuclear freeze is most fundamentally the result of growing irrational fear of the Soviet Union forecast by Dr. Richard Pipes sometime ago. In "Soviet Global Strategy" news describes the trend toward a Soviet inspired intimidation f America, to be gained by Moscow's unabated nuclear expansion. The nuclear freeze movement in the U.S. and Western Europe represents a large-scale abandonment of any pretense of opposition to the reality of Soviet nuclear hegemony.

The policy and legal antecendents to nuclear freeze lie in the language of several treaties aimed at limiting or constraining various aspects of U.S. nuclear weapons. Beginning with the Limited Test Ban Treaty of 1963, these include the Treaty for the Prohibition of Nuclear Weapons in Latin America (1968), The Non-Proliferation Treaty (1970), The US-USSR Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War (1971), The Anti-Ballistic Missile Treaty (1972), the US-USSR Agreement on the Prevention of Nuclear War, The Threshold Test Ban Treaty of 1974, the Peaceful Nuclear Explosions Treaty of 1976, the SALT II (1973) Treaty of 1979, and the draft text of the Comprehensive Test Ban Treaty negotiatd by the Carter Administration. Because of the ruinous effect of a comprehensive test ban on U.S. military capabilities (whether the Soviets comply or not), it is somewhat redundant for the nuclear freeze resolutions to call also for banning the production and deployment of nuclear weapons.

The radically changed terms of reference for the political debate in this country over constraints on nuclear weapons can be observed in comparing the nuclear freeze with the SALT Treaty up for ratification only three summers ago. A treaty with long, detailed, complicated provisions, the product of months of negotiations preceding its signature, and having the total support and participation of the Executive Branch—including principally the Department of Defense—had been brought before the Senate, but could not be consummated. It is indeed ironic that already revisitionists are advancing the theory that the failure of SALT II in the Senate was due to factors other than the firm, principled opposition of a majority of the U.S. Senate. It is necessary for the maintenance of integrity in arms control discussions to keep in mind that Afghanistan was not a cause, but a pretext, for the presidential recommendation to withdraw the treaty from active consideration. SALT II was dead in the Senate before Afghanistan.

Those who fought the successful battle against SALT II must never let revisionists deprive opponents of their rightful credit. If the Soviet Afghanistan invasion had never occurred, it would need to have been invented to get former President Carter off the hook with an unratifiable treaty.

There was no constituency in 1979 for a simplistic, unilateralist nuclear freeze. America had dabbled with the uninspected moratorium on nuclear testing between 1958 and 1961. The result was that President Kennedy, who desperately wanted a total test ban, could not countenance another uninspected moratorium.

It is asserted that the current freeze motions call for "adequate verification." This empty husk of a caveat cannot be taken seriously, as we will discuss in some detail. Suffice it to say here that the political realism manifested by the nuclear freeze proponents in so many ways, gives the lie to their protestations that the freeze will not be unilateral in effect.

Today, according to a major poll, nearly 75 percent of Americans want a nuclear freeze. Doctrinare disarmers have come full circle: from their greatest defeat—SALT II—to approach their greatest victory—nuclear freeze as a political imperative for a conservative Republican administration.

It is important to bear in mind the chemical weapons precedent, in relation to the issue of nuclear freeze. As mentioned, freeze is not new. In fact, the Americans have great experience with freeze. We have been in a freeze-while-negotiate situation on chemical weapons since 1969.

What has already been done to our chemical deterrent is now being advocated and planned for our nuclear deterrent. It is an appalling prospect.

U.S. research and development on binary chemical weapons was completed in 1969. A production decision, including funding for production facilities, has been pending ever since. Production of binaries has been repulsed by the dictum of a Congress tantalized by the Arms Control and Disarmament Agency and its lobby into belief that it would be better to negotiate a prohibition of chemical weapons than to "waste money" on building a modernized American deterrent.

Twelve years later, we have as a result no modernized chemical deterrent, no realistic near-term prospect for obtaining one, no treaty, but widespread use of offensive, death-dealing chemical weapons by Soviets and their proxies.

Can we contemplate a different result from a dozen years of nuclear freeze?

The U.S. ABM system remained operational for approximately six months, before Congress zeroed out funding on the grounds that we had a treaty against it.

Testing of nuclear explosive devices has always been the bedrock upon which rests the technology of nuclear weapons, and hence the creditability of America's deterrent posture. Therefore, the policy of our government toward nuclear testing and production of the weapons is of paramount military significance.

Without a sound technological base upon which qualified scientists can assess the adequacy and reliability of the nuclear explosive devices associated with our strategic, theatre, and tactical nuclear delivery vehicles; maintenance of a reliable, modern, and hence effective nuclear deterrent posture becomes an impossibility. This situation appears to be ignored by the numerous congressmen who support "nuclear freeze," while at the same time supporting Defense and Energy Department appropriations for forces to imlement a nuclear deterrent national defense strategy, and research designed to assure—not equality—but U.S. technological superiority.

Present policy of our government permits a limited number of tests each year by the Los Alamos and Livermore National Laboratories. The Senate has held in abeyance ratification of two treaties, negotiated with and signed by the Soviet Union, in the interest of seeking the so-called comprehensive test ban, or "CTB." However, interest in proceeding with ratification of the Threshold Test Ban and Peaceful Nuclear Expositions treaties has been revived, apparently as a reaction to the nuclear freeze euphoria.

The test ban advocates proceed from a tacit assumption that it will in fact be desirable and acceptable for the U.S. to cease altogether its nuclear testing. However, testimony before Congress has raised serious but little-understood opposition to the policy of seeking a total nuclear test ban. The late Senator Dewey Bartlett of Oklahoma emphasized the serious ramifications of a nuclear test ban:

> With or without SALT II, our Minuteman ICBM force will be seriously threatened in the early eighties. Thus, the United States is likely to be in need of new strategic weapons systems in the next decade—systems such as cruise missiles MX, and Trident II, which would require at least limited testing of warheads. A comprehensive test ban treaty could greatly hinder these programs and prevent the United States from maintaining parity with the Soviet Union, even if both sides complied with the test ban. Soviet secret testing, or a massive Soviet testing program conducted immediately upon termination of the ban, would make the situation even worse. (CR, Senate, 15 Nov. 77, p. A19048.)

Clearly, our country has needs for nuclear testing. Although the numbers and kinds of tests have been ratcheted downward by political decisions for some years now, and while past presidents have proffered their willingness to quit testing altogether, the tests continue. Is our test program now merely a bargaining chip without military rationale?

America's nuclear testing program is an important national security resource. The technology of nuclear explosives is a government monopoly, and must necessarily remain so. There is no "second source" other than the federal government to provide nuclear weapons. The nuclear weapons complex, including the critically important underground test program, is not a large factor in terms of percent of total defense spending. This point is illustrated by the comment of Congressman Melvin Price, Chairman of the House Armed

Services Committee (HASC), as he urged passage of the DOE National Security and Military Applications of Nuclear Energy Authorization Act of 1980:

> While this authorization bill represents only 2 percent of the President's total request for national defense for fiscal year 1980, its importance and contribution to our future strategic posture is much greater than its percentage indicates. (CR, 9 Nov. 79, P. H10482)

The comprehensive nuclear freeze is of fundamental concern from the point of view of U.S. strategy and security interests. Broader in scope than SALT, a freeze on testing and production would adversely affect the entire nuclear weapons inventory of all branches of our armed forces. A truly comprehensive freeze would obviate the possibility of there being any newly designed or improved U.S. nuclear weapons, would undermine confidence in the existing weapons stockpile, and would mark the beginning of the end for the nuclear explosive technology infrastructure of people and facilities within the Department of Energy (DOE.)

While responsible officials admit that a "fixed duration" agreement (i.e. a 3 or 5-year freeze, rather than one of indefinite duration) would somewhat mitigate the adverse effect of a test ban in the near term, this negotiating ploy should not be used to prevent consideration of the fundamental issues involved. If, despite known obvious hazards, this country enters into a freeze because of overwhelming domestic and foreign political pressures, why should anyone believe that the U.S. would resume testing at the end of the "fixed duration?"

Another shibboleth, that of an "adequately verified" comprehensive test bank and production freeze, facilities acceptance of a damaging and unwarranted assumption that there will be "symmetrical" degradation of both the U.S. and USSR's nuclear establishments. People who believe a freeze can be "adequately" verified welcome evidence and testimony which describes severe adverse impacts of a test ban on the U.S. nuclear weapons complex, as evidence that will also befall the Soviet Union! But the House Armed Services Committee determined, after extensive investigation, the idea of "equal degradation of stockpiles is technically unfounded." (HASC 95–90, Oct 78) Nuclear freeze should be considered recognizing its tangible risks—rather than embraced with a false promise of speculative "symmetry."

The SALT II Treaty and the draft Comprehensive Test Ban Treaty negotiated during the Carter Administration are complex documents, not easily understood by non-specialists. International political and military developments since the end of the Carter tenure have greatly complicated the situation for policy planners and those responsible for achieving the much talked-about negotiated agreements with the Soviet Union and other nations. Too often, debates over technical questions (such as the Backfire bomber's performance) pre-empt broad-based consideration of more fundamental issues and assumptions inherent in one or more sets of negotiations.

Most importantly, the fundamental issues need to be addressed in the negotiations with the other negotiating parties. The current debate in the United States on nuclear arms control and disarmament is a monologue—Americans talking to and "negotiating with"—themselves! Individuals who talk to themselves are regarded as mental health cases. Hence the nearly-insane character of the discussions—principally fear-of-nuclear-war discussions—going on within our society and our bureaucracies. These talks exhibit a high degree of abstraction and irrationality precisely because they are disengaged from the issues raised by the pathologically anti-western communist cult which rules the Soviet Union.

While the Soviet Union continues to produce chemical and biological weapons—and to wage biological warfare through proxies in violation of the 1972 BW Convention Senators and Congressmen tout "nuclear freeze" as the ultimate and latest in arms control and disarmament concepts. The President is proposing actual reductions in nuclear weapons and delivery vehicles, having discarded the "linkage" concept the U.S. had been struggling to implement on behalf of its global interests since the Soviet ravagement of Afghanistan began in late 1979.

While we are observing the growth of "a whole cottage industry producing books celebrating the horrors of nuclear war," no credence or credit is given to the U.S. for having fewer weapons, less megatons, and an overall substantially degraded and less threatening nuclear posture than twenty years ago. The same analysts who assured our country's elected representatives twenty years ago about the benign intentions of the Soviet Union and their "justifiable" response to the lamentable provocations of the U.S. nuclear "build-up;" now urge our representatives to withhold nuclear retaliation against the massed armor of the Warsaw Pact forces in Central Europe.

Military planners who have devoted entire professional careers to the careful, studied, explicit, and conscientious application of a nuclear targeting policy which has never called for attacking civilians; are told by recently-arrived concerned clerics to divorce themselves from such "immoral" weapons. If it were true that the weapon—not the man—is inherently evil, then unilateral disarmament cannot possibly help us. It is therefore irrational to propose unilateral restraint on the basis that the inanimate object is inherently evil.

The following fundamental issues and assumptions have particular relevance in the current climate of political and policy ferment regarding nuclear disarmament:

A. Nuclear disarmament and nuclear deterrence

Disarmament means no testing or production of weapons. Maintaining a deterrent requires some testing, and production of modernized devices. So these two policies cannot harmoniously coexist.

The United States has made, and continues to make, pledges to disarm. These pledges are made particularly in multilateral negotiations linked with United Nations disarmament activities. Nearly twenty years ago, military reservations about nuclear disarmament doctrine as enunciated in the preamble to the Limited Test Ban Treaty could be set aside as a problem for the future—a future which is now. Only those ignorant of the broader political context of U.S. nuclear disarmament commitments should have been surprised with the dramatic turnaround of the Reagan administration on the subject of nuclear arms control and disarmament.

Nuclear deterrence remains the basic military doctrine for defense of the United States. Ironically, in recent years it would appear that analysts such as Colin Gray are more strongly supportive of—and more committed to—such a doctrine than the Secretary of Defense or the Joint Chiefs of Staff. Massive investments to procure and operate modern strategic, theater, and tactical nuclear deterrent forces are in danger of being rendered incredible by a countervailing doctrine of nuclear disarmament, which hinges on a cessation of nuclear testing and weapons production, i.e. nuclear freeze.

While the U.S. military establishment goes to great lengths to justify and "sell" to the Congress and the public the delivery systems for nuclear weapons—glamorous airplanes and missiles—it is mute or strangely inarticulate in justifying the explosive devices themselves—which are precisely the target of the nuclear "freeze." But unilateral disarmament would in fact be "progress" in disarmament, because if you accept the premise that nothing is more important than avoidance of nuclear war—the logic for nuclear freeze remains impeccable.

U.S. arms control and disarmament doctrine has been evolving toward the current situation for many years. Before the existence of the Arms Control and Disarmament Agency as an institution of government, there could have been some who questioned the propriety of an official component of our federal government which unflinchingly supported Soviet views. Today, the dogma of "shared objectives in arms control" has had the result of cloaking ACDA and its massive lobby in an official immunity from questioning of the origins and implications of its slavish support of positions which are identical to those of Soviet propagandists.

The situation is typified by the media's discussions of Soviet responses to the President's Eureka speech which said that the Soviets confined themselves to quoting U.S. opponents of the President. But governmental policies supporting nuclear disarmament and nonproliferation are increasingly eroding political support for the maintenance of the forces needed to carry out the nuclear deterrence strategy. The shocking extent of the erosion of political support for nuclear deterrence is only now becoming manifest.

If the United States really plans to maintain the nuclear deterrent force into the 1980s, the 1990s, and beyond; logically we must take all those steps necessary to keep nuclear weapons reliable, as well as to effect needed modernizations and improvements. This need is incompatible with nuclear freeze.

B. Monitoring nuclear test and other weapons activity

Deprivation of all U.S. testing progressively will rob our country of the expertise needed to assess other nations' progress achieved by testing at yield below the monitoring threshold. Mechanisms for handling on-site inspections, and granting access to declared sensitive facilities, apparently do not exist in the Soviet Union.

The central fact about verification of a nuclear test freeze, or ban, is that there will always be a threshold of identification below which we will be unaware of other states' nuclear test activities. In this respect a nuclear freeze is qualitatively different from SALT monitoring. It has been accurately observed that SALT negotiated about what could conceivably be monitored—not necessarily the most important systems or sub-systems.

The draft test ban treaty which emerged from the Carter round of U.S./U.K./U.S.S.R. talks is assumed to "ban" all nuclear testing, while the SALT agreements are essentially designed to regulate force levels of certain types of delivery vehicles or launchers. Where SALT agreements do entail bans, the controversy over their verifiability has intensified, as in the "new types" question.

It has been acknowledged that we will have a declaratory ban but only a threshold monitoring capability, but the word "comprehensive" is still used in describing the test ban which President Carter's team negotiated, even though the existence of a threshold makes that title a misnomer.

Test ban and nuclear freeze advocates must therefore grapple with the question of what Senator Church termed the "military significance" of below-threhold nuclear testing by other states. "Breakthrough" improvements in seismic monitoring continue to be touted as sufficient for the U.S. to safely ignore the monitoring threshold, and thereby to remove the "military significance" of any below-threshold test activity by other states. But the only relevant experience we have with monitoring Soviet activity, as pointed out by Donald Westervelt, are the threshold test ban, in effect (for U.S. compliance) since 1976; and the nuclear test moratorium of 1958 to 1961. Questions continue to be raised about Soviet compliance with the Threshold Test Ban Treaty; and careful analysis suggests the Soviets probably carried out undetected and/or unidentified tests during the older moratorium in order to prepare for their dramatic breakout which occurred in 1961.

Another risk for the United States in crediting the Soviets with Threshold Test Ban compliance, is in legitimizing a very high frequency of Soviet testing (while U.S. tests continue to be restricted to truly low numbers) as the "minimal" number of nuclear tests which the treaty stipulates should be conducted at any yield! The behavior of nuclear freeze advocates on this issue is another clear indication that they are completely satisfied with unilateral U.S. constraints and restraints leading to disarmament and serious capability reductions on the U.S. side without balancing restraints on the Soviet side. Again, the logic—if you are "for" "progress" in "disarmament," then you must applaud degredations in the U.S. posture. Balanced reductions or constraints—while politically popular—are strictly in the "nice to have" category with U.S. disarmament activists.

The argument is repeatedly made by nuclear freeze advocates that, once expected (but seldom realized) improvements in monitoring capability are made—such as establishment of a large network of seismic stations within the Soviet Union—the Soviets would not "risk" testing at yields available to them below the lowered threshold because the United States would so strongly react and object. And, it is argued that other countries would react to put "political pressure" on the Soviet Union to behave. This kind of argument regarding "pressures" on the Soviet Union to comply with solemn international agreement continues to underlay numerous proposals for arms control and disarmament agreements with the Soviet Union, despite the debacle to Soviet credibility contained in the "Sverdlovsk incident" and the "yellow rain" employment in Southeast Asia. And the logic of supposing that the United States would strongly object to ambiguous Soviet activity of a kind which we had already decided was not "militarily significant," is not apparent.

The House Armed Services Committee CTB Panel concluded in 1978 that an approximate 10 kiloton threshold monitoring capability now exists, for policing activity at known Soviet nuclear test sites. Tests in seismic regions, or decoupled tests, have their own much higher thresholds of identification. But the Soviets could maintain their stockpile by testing at the known sites under the 10 kiloton threshold.

While test ban advocates claim the regional network of seismic stations will lower (but not eliminate) the threshold, the network cannot be installed for years after any agreement enters into force. Manufacture of some seismic stations, and the unpredictably long process of site selection within the USSR, will not even begin until after entry-into-force of the test ban and nuclear freeze. A degree of Soviet cooperation including access to their sensitive sites and facilities never before achieved will be required to verify a freeze on nuclear testing and production by the Soviet Union. (The Soviets should encounter little difficulty gaining access throughout the United States.) Both the Carter and Reagan administrations have withheld ratification of the Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty (while imposing the treatys' constraints upon the U.S. nuclear establishment and crediting the Soviets with compliance) which contain provisions which might be able to prove out the feasibility of the Soviet cooperaation in implementation of mandatory inspections and access of U.S. authorities to the Soviet Union for compliance monitoring. These treatys' provisions—once described in "breakthrough" terms—cannot be implemented, and were not incorporated into the comprehensive test ban negotiated during the Carter round.

A total test ban or nuclear freeze could also jeopardize our fusion technology research which this country needs to continue as an important gauge for our scientists to use to judge what would be possible in the future nuclear developments of other states.

C. Nuclear explosive technology

The means to design and certify new nuclear weapons, and "fixes" to existing ones, cannot be kept alive without some testing—it's that simple. The development of capabilities for setting off nuclear fusion explosions using the inertial confinement technique poses a challenge to the whole concept of prohibiting states from realizing the military benefits of nuclear explosions by imposition of a ban policed primarily by seismic monitoring techniques.

Policing for compliance a treaty banishing the entire technology of nuclear explosives is only a theoretical possibility. The previous attempt at such a technology ban—under the Biological Weapons Convention—has been discredited by continuing Soviet germ-warfare activities a decade after entry into force of the "ban."

Disarmament advocates assert that banning nuclear tests will achieve the objective of "freezing" nuclear explosive technology. But the details of the technology question are seldom debated or considered.

Nuclear explosive technology is not "mature," so we run the risk of technological surprise in a test ban situation' The test ban contradicts a basic purpose of our nation's priceless technical assets—the nuclear laboratories. These laboratories exist not just to fix problems in an aging weapons stockpile, but to also press forward the frontiers of the technology—to gain essential knowledge not only for weapons developments, but to give us the capability to monitor foreign developments by knowing what can be known about the basic technology. Inertial confinement fusion technology is significant in the context of a test freeze. ICF reactions—which are nuclear explosions—do provide important military benefits to the United States, benefits which promise to expand as the technology progresses.

The theory of negotiated technological banishment can be shown to be invalid in the specific case of the comprehensive test ban. There is no feasible way to ascertain that the Soviet Union—or other important technologically-advanced states—are discontinuing all their nuclear explosive research. Cessation of nuclear explosive research—including inertial confinement fusion research—in other countries cannot be monitored without reliance upon a system which ultimately depends upon voluntary disclosures by states party to the agreement—information which must be accepted on faith.

Two other technology issues are break-out risks and the idea of "symmetrical degradation." While the serious problem of the threat of a Soviet break-out from a nuclear freeze cannot be avoided, the risks are exacerbated by the new technology of inertial confinement fusion, which the Soviet Union is vigorously pursuing.

The idea of "symmetrical degradation" basically is that, since the U.S. plans to negotiate "adequate" verification provisions for the nuclear freeze (such plans are becoming increasingly tenuous), any degrading effects which lack of testing will have upon the U.S. will happen also on the Soviet side. In the absence of this belief, it would be impossible for nuclear freeze advocates to claim that a test ban would "freeze" nuclear explosive technology. Thus the technology issue and the monitoring and verification issues are inextricably linked.

D. Nuclear stockpile confidence

No new designs can be certified without testing, and the same logic applies to fixes of problems in stockpile weapons. Without testing, the stockpile will degrade and become unreliable, a fact which remains despite various efforts to finesse the issue. Absence of an ongoing test program will inevitably undercut our design and maintenance capability to some degree. The same persons who loudly proclaim their support for a "freeze" because of the "danger" of nuclear weapons, and who demand perfection and more in the construction and operation of nuclear power plants because of the "danger" they pose, are firmly in support of a nuclear test ban which would strip officials responsible for the nuclear stockpile of the means employed for nearly 40 years to maintain a safe and reliable inventory of explosive weapons.

The issue of nuclear stockpile confidence centers upon the question of whether testing is needed in order to maintain a workable, reliable stockpile of nuclear weapons. The issue has grown as the stockpile has aged. While some former officials of the nuclear weapons establishment now claim that nuclear-yield testing is not needed to maintain the stockpile, that is not the view of persons who are responsible by law for the nuclear stockpile. There is a vast dichotomy liberals on the question of who to believe on nuclear power plants versus nuclear weapons. The regulatory establishment for power plants—the NRC—is vigorously exhorted to make sure of the scrupulous compliance of power plants with safety standards. But when those responsible for the explosive weapons stockpile come forward to conscientiously request funding of programs to maintain the safety, security, and reliability of the explosive weapons, liberal members of the House and Senate come forward for proposals for arms control via "mutual unreliability."

A key issue in nuclear stockpile confidence is certification of designs by the weapons laboratories--described as a "promise" to the Defense Department that the weapons will perform within specifications for a predictable period of time. But nuclear disarmament advocacy has evolved into a policy that connects tinkering with the techniques we employ to fix faults in nuclear weapons, and taking the gamble that nothing really bad will happen to our stockpile during a nuclear freeze; with the advancement of world peace, stability, and "arms control."

The stockpile confidence issue also includes the extremely important question of activities to be allowed during a test ban or freeze. This involves the self-policing that the United States will carry out during a test ban, and the degree of access to our facilities to be granted to foreign compliance monitoring authorities under the multilateral verification regime contemplated by the Arms Control and Disarmament Agency. During the Carter Administration, ACDA technicians were clearly laying the groundwork in inter-agency policy decisions to place themselves in the position to dictate—in consultation with Soviet and other foreign representatives—to the U.S. nuclear laboratories what experiments would be permitted and which ones would not. ACDA claims that it is the only body which would be "objective" in determining whether the conduct of U.S. researchers was in compliance with the "spirit" of nuclear disarmament agreements.

So-called alternatives to nuclear-yield testing proposed by test ban advocates, such as remanufacturing defective weapons to specifications perhaps twenty years old, are found upon examination to be inadequate—not really viable alternatives at all. It would make more sense to stipulate that Chrysler remanufacture a 1958 Dodge to the original specifications than to require the Department of Energy to remanufacture a Minuteman II warhead.

In addition, our on-going nuclear-yield test program has been the principal means of detection of the most serious stockpile faults, even though there is also an elaborate non-nuclear yield test effort as well. There is the twofold problem of both detecting, and then fixing, faults in stockpile weapons. The Department of Energy estimates that the likelihood of serious stockpile problems during a shorter-duration freeze is low, but not zero. It is also true that most or all weapons of a kind—for example the Minuteman III warheads—would fail together. Thus large "chunks" of our deterrent would be placed at risk during a nuclear freeze, not just selected individual weapons. A test ban at this time would also curtail development of a badly-needed data base on the new weapon designs going into production now for the modernized strategic, theatre, and tactical nuclear deterrent forces of the 1980s and 1990s.

The question of nuclear stockpile confidence, even in a test ban regime of "fixed duration," is perhaps the most pressing issue from the military point of view. The U.S. nuclear weapons establishment—basically a complex of about a dozen major government-owned (but mostly contractor-operated) facilities, a work force about 40,000 people, and a budget of about $3 billion—is the only source of expertise on our nuclear stockpile.

America has no "options" if our nuclear technology infrastructure becomes undermined by a nuclear freeze. The technology and advanced developments to meet future requirements, and the expertise to maintain our existing nuclear stockpile, must be provided for by the actions of the U.S. Government—there is no "second source."

Whether nuclear freeze appears as logical or illogical, as an opportunity or a danger, as something to be desired or something to be abhorred, depends on where you stand in the ideological struggle. Sadly, it appears that—to the American popular masses—that struggle has all but ended. If American voters decide, as George Kennan already has, that Brezhnev (and his successors) are in fact "men of peace," and that there is no conventional loss in Europe that could be as disasterous to America as the results of nuclear war; then the "arms race" could be ended on any terms—even those as inane as the proposed nuclear freeze.

We all agree that weapons which cannot be tested, produced, or deployed—cannot deter. If the American people are already self-deterred, then nuclear freeze makes sense and saves lots of money for tuition loans for anti-nuclear student activists.

If the debate on nuclear freeze is irrevocably linked to nuclear deterrence, then the pro-freeze advocates should offer America an alternative to the nuclear deterrence strategy, since they want to eliminate the strategy we have followed for 30 years.

JESSE HELMS.

○